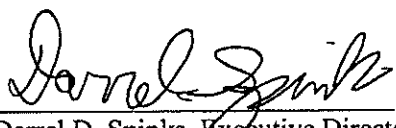


Strategic Plan Fiscal Years 2015-2019

Texas State Board of Examiners of Psychologists

<u>Board Member</u>	<u>Date of Term</u>	<u>Hometown</u>
Jeff Baker, Ph.D.	2010-2015	League City
Donna Lord Black, M.A.	2007-2017	Frisco
Tim F. Branaman, Ph.D.	2008-2019	Dallas
Jo Ann Campbell, M.S.	2008-2017	Abilene
Carlos R. Chacón	2008-2015	Houston
John Huffman, J.D.	2012-2017	Southlake
Angela A. Downes, J.D.	2008-2019	Dallas
Lou Ann Todd Mock, Ph.D.	2008-2019	Bellaire
Leslie D. Rosenstein, Ph.D.	2010-2015	Dallas

June 2014

Signed: 
Darrel D. Spinks, Executive Director

Approved: 
Tim F. Branaman, Ph.D., Board Chair

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We must set clear priorities that will help maintain our position as a national leader now and in the future by:

- Ensuring the economic competitiveness of our state by adhering to principles of fiscal discipline, setting clear budget priorities, living within our means, and limiting the growth of government;
- Increasing transparency and efficiency at all levels of government to guard against waste, fraud, and abuse, ensuring that Texas taxpayers keep more of their hard-earned money to keep our economy and our families strong.

Rick Perry
Governor of Texas

Texas State Government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise we will promote the following core principles.

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. And just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future, and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse, and providing efficient and honest government.

- Finally, state government should be humble; recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

Aim high...we are not here to achieve inconsequential things!

Regulatory - Priority Goal:

To ensure Texans are effectively and efficiently served by high quality professionals and businesses by:

- Implementing clear standards,
- Ensuring compliance,
- Establishing market-based solutions, and
- Reducing the regulatory burden on people and business.

Benchmarks:

- Percentage of state professional licensee population with no documented violations.
- Percentage of new professional licensees as compared to the existing population.
- Percentage of documented complaints to professional licensing agencies resolved within six months.
- Percentage of individuals given a test for professional licensure who received a passing score.
- Percentage of new and renewed professional licenses issued online.

The mission of the Texas State Board of Examiners of Psychologists is to protect the public by ensuring that psychological services are provided to the people of Texas by qualified and competent practitioners who adhere to established professional standards.

The Board accomplishes this mission through its regulation of the practice of psychology by:

1. Establishing educational, experience, and examination requirements for licensure;
2. Adopting professional standards for the practice of psychology;
3. Investigating and enforcing compliance with the requirements of the Psychologists' Licensing Act, rules, and regulations of the Board; and

4. Serving as a source of information to the public, the profession, and governmental entities.

The Texas State Board of Examiners of Psychologists serves the public of Texas, and we are accountable to the public. We take pride in being accessible to the public and treating them with courtesy in response to their needs, communicating openly and honestly, maintaining high ethical standards, performing our duties efficiently and promptly, conserving resources and reducing waste.

We strive to provide equality of opportunity for all individuals, regardless of race, color, religion, national origin, age, sex, disability, sexual orientation or socio-economic backgrounds. As a public service team, Board and staff members cooperatively share their knowledge, experience, innovative ideas, and creativity to accomplish the agency's mission and goals. We utilize every opportunity to foster the professional and personal development of each Board and staff member.

A. Overview

1. Statutory Basis and Historical Perspective

The Texas State Board of Examiners of Psychologists was created during the Sixty-First Legislative Session in 1969 with the passage of the Psychologists' Certification and Licensing Act, V.T.C.S., Article 4512c. The Act was amended in the following years: in 1975, 1981, 1985, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2011, and 2013. The name of the Act was changed to the Psychologists' Licensing Act (the Act). In 1999 the Act was re-codified as Chapter 501 of Title 3, Subtitle I, Occupations Code. The agency went under Sunset review in 2004 and was continued by the 79th Legislature until its next review September 1, 2017.

2. Main Functions

The Board was created as a regulatory agency for the practice of psychology and to serve as a source of information to the public, the profession, and governmental entities. The Board's activities include (1) the administration and implementation of the provisions of the Act requiring examinations and licensure of psychologists, provisionally licensed psychologists, psychological associates, and licensed specialists in school psychology, (2) the annual renewal of all licenses granted by the Board, (3) establishing minimum standards for the provision of psychological services by its licensees, (4) maintaining licensee information, (5) the investigation and enforcement of compliance with the provisions of the Act, the rules, and regulations of the Board, (6) establishing and monitoring continuing education requirements for psychology professionals, (7) responding to requests for public information and other needs of

the public, (8) assessing customer service satisfaction, (9) setting and collecting licensing and other fees necessary to sustain agency operations, and (10) adhering to all mandated reporting for state agencies.

3. Affected Populations

The Board provides services primarily to persons seeking to become licensed to provide psychological services in the state and who must take certain examinations; persons who are licensed and who must renew their licenses annually with mandatory professional development (i.e. continuing education); licensees who assist the Board with the administration of the oral examination; persons wishing to file complaints against licensees; and persons who seek information from the Board under the Texas Public Information Act.

4. Public Perception

The public perceives this agency as the entity that regulates the practice of psychology in the state of Texas by licensing qualified applicants as psychologists, provisionally licensed psychologists, psychological associates, and licensed specialists in school psychology. Also, the public perceives this agency as the one to whom they can turn if they have a complaint against a licensee of the Board.

B. Organizational Aspects

1. Size and Composition

The Texas State Board of Examiners of Psychologists is composed of nine (9) members, including four (4) licensed psychologists, two (2) licensed psychological associates, and three (3) public members. The members of the Board are appointed by the Governor, with the advice and consent of the Senate, for staggered, non-renewable, six-year terms. The Chair is appointed by the Governor.

2. Organizational Structure

The Board is made up of four (4) functional divisions. The Fiscal/Benefits Division, the Licensing Division, the Enforcement Division, and the Legal Division are under the supervision and direction of the Executive Director, which is the agency's only exempt position. Within the four functional divisions, there are 13 classified positions.

The Licensing Division includes five full-time positions whose duties, in addition to general clerical and receptionist duties, include the processing of applications for four types of licenses and annual renewal and approval of professional development for all licensees. The Board offers four types of licenses: licensed psychologist, provisionally licensed psychologist, licensed psychological associate, and licensed specialist in school psychology. This division, which also coordinates the administration of the Board's written and oral examinations, was responsible for 659 new licenses and 8,314 renewals in fiscal year 2013.

The Enforcement Division has three full-time staff and one half-time position. The staff include: one full time Investigator/manager, one full-time and one half-time Investigator, and one Administrative Assistant I. The Enforcement Division processed and resolved 263 cases in fiscal year 2013, 13% of which resulted in the licensee receiving disciplinary action. The 33 disciplinary actions that were levied included administrative penalties for non-compliance with professional development requirements, reprimand, probated suspension, suspension, and resigned in lieu of adjudication. In addition, 11 licensees paid administrative fines.

The Legal Division consists of two (2) staff persons: a General Counsel and an Administrative Assistant III. The General Counsel reviews all complaints and presents the agency's cases at the State Office of Administrative Hearings (SOAH). This division oversees on average 450 oral and written open record requests per month. Additionally, the assistant performs some accounting duties for the agency.

The Fiscal/Benefits Division consists of one (1) Accountant VI who was responsible for the correct processing and depositing of over \$2,394,500 in fees and other revenues to the state treasury in fiscal year 2013. The Accountant VI also serves as the agency's Purchaser and Information Resource Manager and has many human resource duties.

Additionally, there is one (1) Executive Assistant who assists the Executive Director and other staff in the administrative functions of the agency, as well as responsibility for such duties as coordinating risk management and office security.

Of the agency's fourteen (14) FTE positions (thirteen (13) are full-time and two (2) are half-time), seven (7) are professional and seven (7) are clerical. As of May 2014, the workforce consisted of 13 persons: 4 males and 9 females. Of this number, two (2) are Hispanic, ten (10) are White, and one (1) is Black.

3. Human Resource Strengths and Weaknesses

The Psychology Board has a strong commitment to the continuous training and education of all employees. Employee training includes computer skills, self-improvement, professional certification and continuing education requirements, risk management, safety, and sexual harassment. The agency has a set training policy for all employees.

Five (5) of the Board's thirteen current employees have been with the agency for less than five years, four (4) employees have been with the agency for five years but less than fifteen years, and four (4) employees have been with the agency for more than fifteen years. The long tenure of many of its staff has allowed the agency to absorb new functions and to operate effectively at stagnant or reduced funding levels.

According to the fiscal year 2012 Legislative Workforce Summary prepared by the State Auditor's Office, the agency had a 22.2% turnover rate in fiscal year 2012, 15.4% turnover rate in fiscal year 2011, and 15.1% turnover rate in fiscal year 2010. Furthermore, the turnover rate, according to internal agency data, for fiscal year 2013 was 23.08%, and the current turnover rate

for fiscal year 2014 is 28.57%. Despite these high turnover rates, the agency met or exceeded 7 out of 8 key performance measures for fiscal years 2012 and 2013, and is on course to meet its performance measures for 2014.

The Board has membership in the Association of State and Provincial Psychology Boards (ASPPB) and the Texas State Agency Business Administrator's Association. These organizations provide valuable information concerning current issues and present additional opportunities for training to Board members and staff. ASPPB owns the national psychology examination that is required for two types of licensure with the Board.

4. Use of Historically Underutilized Businesses

During fiscal year 2013, 1.59% of the Board's Other Services purchases and 70.36% of its Commodities contracts were with Historically Underutilized Business (HUBs). These are the only two HUB categories in which the agency historically has had purchases.

While it is difficult for the agency to project the future use of HUB vendors, the agency hopes to achieve a goal of 2% for Other Services purchased and 50% for Commodities contracts in fiscal year 2014.

5. Geographical Location of Office

The agency's office is located in Austin. The Board members are from across the state.

Agency staff and on occasion Board members, often travel around the state giving presentations on changes in the law affecting the practice of psychology in response to invitations from state and local psychological associations and other entities involved in the delivery of psychological services. These presentations allow the Board and agency staff the opportunity to interact with the public, and educate the public on agency operations and interpretations of governing law.

When budget and state law permit, Board members, and on occasion agency staff, attend the mid-year and annual meetings of ASPPB. Each meeting is held in a different location within the U.S. or Canada, with the last mid-year meeting being held in San Antonio, Texas in March 2014.

6. Key Organizational Events and Areas of Change and Impact on Organization

In keeping with the statewide mission and philosophy set out hereinabove, and as part of a continuing effort to maximize efficiencies in agency operations and goals, the Board intends to explore the benefits of self-directed semi-independent status (SDSI) under Ch. 472 of the Tex. Gov't Code, following the release of the Sunset Commission report mandated by Tex. H.B. 1675, 83rd Leg., R.S. (2013).

7. Impact of Health Professions Council (HPC)

Efficiencies Offered as Alternative to Merging Agencies

As stated in the Texas Sunset Advisory Commission Staff Report of 1992, efforts throughout the past 40 years to create a centralized licensing agency in Texas have received only lukewarm support. The Sunset staff analysis indicated that many efficiencies could be achieved in a constructive manner without consolidating regulatory agencies. Such efficiencies would include coordination of overall policies, economies of scale, standardization of functions, improved public access to services, and the potential for better enforcement.

Therefore, the 73rd Legislative Session created the Health Professions Council (HPC) consisting of 11 state health-licensing agencies and the Professional Licensing and Certification Division of the Texas Department of Health. The purpose of the HPC is to provide a means for the agencies represented to coordinate administrative and regulatory efforts. The HPC is composed of the Executive Directors from these agencies. In the 78th Legislative Session, the Legislature added the Texas Funeral Services Commission to the HPC.

Through the past several years the HPC has continued to provide a valuable oversight function and a forum for health-licensing agencies' discussion and coordination on many cross-agency issues without sacrificing the independent efficiency and effectiveness of each agency.

The major objectives mandated and implemented to the HPC since its inception in 1993 include the following:

- State-wide, toll-free complaint system
- Collocation of member agencies
- Shared document imaging system
- Board member training program
- Annual Report

Council-identified projects include the following:

- Minimum data set of information for all licensees
- Shared human resources via pilot project
- Development of training materials for Board members
- Representation on various state work groups and in state-wide forums, eliminating the need for individual representation of each member agency
- Joint training for staff from member agencies
- Combined courier services
- Establishment of payroll/personnel support services
- Establishment of a purchasing pool
- Establishment of an employee assistance program
- Development of risk management and disaster recovery materials.

In recent years HPC has participated in studying major issues jointly facing the healthcare licensing agencies. These include:

- Representation with the Small State Agency Task Force
- Representation with the Statewide Health Coordinating Council
- Member agencies complaint procedures study as mandated by HB 2408, 77th Session
- Jointly purchasing and sharing the costs of operations for an imaging system.
- Consolidation of the information technology resources of the HPC and the member agencies, thereby eliminating one position and providing better information technology services to smaller member agencies.
- Work with Hobby Building tenant agencies, the Texas Department of Information Resources, and the Texas Department of Insurance on the feasibility of combining all Hobby Building complex information technology services.
- Conducted a survey concerning the financial services of member agencies to investigate possible consolidation of these services.

In addition, in fiscal year 2004 the Psychology Board joined with the Texas Funeral Service Commission to share an accountant. The Commission has an interagency contract with the Board to provide it with accounting services. This allowed the Commission to reduce its FTEs by one.

Current Major projects Coordinated by HPC:

- Working with the vendor for the shared database to ensure that all components and customizations have been completed.
- Assisting member agencies with testimony before the 84th Legislature to help secure needed funds and resources.
- Hiring and overseeing the information technology staff necessary to manage and facilitate the shared database and imaging system.
- Purchasing new and replacement computer hardware and software as needed for shared information technology operations.
- Providing ongoing monitoring and maintenance of shared information technology systems after implementation.
- Continue to monitor the seamless entry of the Texas Funeral Services Commission into the shared database system.
- Update the web infrastructure, design, and security of all member agency websites.
- Participate jointly with DIR, in the Gartner Security Project to provide member agencies with an in-depth look at their current IT security, and provide best practices and any gap analysis the analysts discover.
- Working with DIR to coordinate the Legacy Systems Study mandated by Tex. H.B. 2738, 83rd Leg., R.S. (2013), on behalf of member agencies.
- Coordinate member agency workgroup to ensure member agencies receive assistance in developing their business continuity plans in compliance with the state business continuity initiative.

The cooperative projects of the HPC provide the desired outcomes of shared resources and shared information without the negative effects of consolidation such as reduced accessibility by

the public to services, reduced disciplinary actions, and higher costs. Also, in certain instances, such as staff turnover, smaller agencies are able to draw on the expertise of specialized staff in larger agencies.

Future of the HPC:

As the HPC pursues additional opportunities for improvement among member agencies, it appears that the primary goals envisioned by the legislative leadership have been and will continue to be met.

The Psychology Board supports the HPC and its expanded duties concerning the shared database for this and six other small state agencies.

Most recently expanded duties of the shared information technology HPC personnel have included enabling cloud computing, virtualized servers and free software with user enhanced features. Such advancements have allowed HPC agencies to take greater advantage of the efficiencies of the latest information technology.

Currently, the two shared information staff responsible for installing all new hardware and software, maintaining current hardware and virtual software, and setting up and maintaining the networks for the member agencies are under the FTE cap of other HPC member agencies, rather than under the HPC itself. In an effort to aid transparency and understanding of the relationship between HPC and its member agencies, the member agencies may seek to have these shared information staff realigned under HPC's FTE cap, rather than the cap of the individual agencies.

C. Fiscal Aspects

1. Size of Budget and Method of Finance

The Psychology Board is self-funded in that the fees that it collects from its applicants, examinees, and licensees must at least cover the amount that it is appropriated by the Legislature. The agency expects to generate fee revenues totaling \$4,944,301, appropriated receipts totaling \$103,280, and inter-agency contract receipts totaling \$54,796 for the 2014-2015 biennium. All fees collected are deposited to General Revenue. The agency is appropriated a total of \$1,695,702 for the 2014-2015 biennium. The methods of finance for the agency's appropriations are General Revenue, appropriated receipts, and interagency contract.

Included in the total fees collected and deposited to General Revenue is the mandated \$200 "professional fee" which is paid by each applicant for provisional licensure and for each provisionally licensed psychologist and licensed psychologist as part of the annual renewal fee (with the exception of psychologists employed entirely in exempt settings). The agency expects to collect approximately \$1,712,000 in "professional fees" for the 2014-2015 biennium.

Additionally, the Board has the funding mechanism provided through an interagency contract. The Texas Funeral Service Commission contracts with the Board for \$27,398 per year for fiscal services, thereby providing additional funding for the Psychology Board and reducing the number of FTEs for the Funeral Service Commission.

2. Budgetary Limitations

a. Limitations on Funding for Specialized Programming for Replacement Database

In June 2011, the Board was successful in joining with five other small state agencies to replace legacy computer systems with a new shared replacement database system. While this new shared system represents a significant improvement over the previous legacy system, the Board continues to identify specialized programming unique to this agency that would greatly enhance its operational efficiency. The Board however, does not receive discretionary funds to pay for this programming as it is identified.

This budgetary limitation may be overcome however, by asking for additional funding during each biennium to pay for any specialized programming identified.

b. Limitations on Technology

Shared Information Technology staff and Health Professions Council (HPC) benefits.

The Psychology Board has never had an FTE position or funding for information technology staff. The agency has overcome this budgetary limitation in several ways.

The Psychology Board and other HPC member agencies created and still participate in a shared/consolidated information technology consortium of information technology personnel. Information technology staff and financial resources of member agencies were pooled and a service level agreement was established to provide member agencies with information technology services including website and computer hardware maintenance. This began in fiscal year 2004 and remains in effect.

While the shared IT staff, including the recent addition of the Web Administrator position following the 83rd Legislature, have allowed the Board to incorporate and expand the use of advanced information technology options and services, the salaries of the shared IT staff have remained stagnant. This has resulted in a high turnover rate in the shared IT staff. In an effort to counter the high turnover rate of shared IT staff, the Board anticipates that the member agencies will seek additional funds during the next biennium to increase the salaries of the shared information technology staff.

Furthermore, following the 83rd Legislature, the Dental Board received an additional FTE for an IT staff position, and it is anticipated that the Dental Board will be withdrawing from the shared IT services agreement. In the event of the Dental Board's withdrawal from this agreement, each participating member's pro-rata share of the costs will increase substantially, and additional funds will need to be requested to cover the costs of the shared information technology staff.

Additionally, the member agencies may seek additional funds to maintain the competitive nature of the salary for HPC's Administrative Officer. While the Administrative Officer's

responsibilities have grown significantly over the years, as well as the number of staff under his supervision, the salary for that position has remained stagnant. Retaining an experienced and competent Administrative Officer in the HPC is a prerequisite for the agency's successful operation.

Lastly, while the use of the shared database by HPC member agencies has undoubtedly saved the state thousands of dollars, there are vendor costs associated with maintaining that database. Thus, depending upon whether those costs increase over the next biennium, it may become necessary for the member agencies to seek additional funds to cover the increase.

Use of Online Examination Process.

As part of the licensing process, the Board is required to administer a Jurisprudence Examination to all applicants seeking licensure. Prior to 2001, the examination was administered in-person by agency staff, and beginning in 2001, the examination was mailed out to each applicant. These methods of administering the examination are very costly and time consuming. In an effort to improve the efficiency of administering the examination and convenience when taking the examination, the Board has selected a DIR approved vendor to administer the examination in an online format. The migration of the Jurisprudence Examination to an online format will provide improved efficiency and convenience with a \$24 increase in cost to the applicant, but zero cost to the Board.

The Board has also undertaken a pilot program in cooperation with the Association of State and Provincial Psychology Boards (ASPPB), whereby applicants may apply for licensure via ASPPB's online system. Use of the ASPPB PLUS system will allow the Board to take advantage of an established online application process, and will allow applicants the opportunity to use or store their information for increased mobility between various jurisdictions. Although the PLUS system is free to applicants wishing to use it during the pilot phase, applicants will be required to pay an additional \$200 to use the online system once the pilot phase is complete.

Replacement of High-Speed Scanning Equipment

In fiscal year 2006, the agency purchased a computer and high-speed scanner that are used exclusively for ongoing imaging of professional and enforcement files. Both the computer and scanner have been identified as legacy items in need of replacement, and the agency has already replaced the computer. However, the high-speed scanner is still in need of replacement. The maintenance costs on the high-speed scanner have become exceedingly high, and the agency will be seeking additional funds to purchase a replacement.

c. No Funding for Merit Increases

According to the fiscal year 2012 Legislative Workforce Summary prepared by the State Auditor's Office, the Board's average staff salary was \$8,598 below the average salary of other Article VIII regulatory agencies. This disparity contributes to the Board's ongoing risk of losing its experienced staff. The disparity is also a frequent topic of conversation between the Executive Director and staff, whereby staff often express dissatisfaction with their salary levels compared to other regulatory agencies.

Despite the nominal salary increases received by state employees during the 83rd Legislature, the disparity in salaries for this agency as compared to other Article VIII agencies persists. Clearly, this agency is underfunded regarding staff salaries when compared to other Article VIII agencies. Because of this fact, the Board will request additional funding from the 84th Legislature to award merit salary increases in the next biennium. This will be necessary to allow for any merit salary increases, and to ensure competitive salaries for agency staff.

d. Board Has No Flexibility in Awarding Executive Director Salary

The Executive Director's salary for this agency is below the minimum rate for an entry level person for this position. According to the 2008 SAO Report No. 08-708, the recommended entry level salary for the Executive Director position at this agency is \$80,500, while the 2012 report by the SAO on executive compensation found that the salary for the Board's Executive Director is well below the market average of \$95,985. Despite minimal increases in the past 10 years, the salary level remains at \$3,700 below the recommended "entry level salary" for this position.

The current Executive Director has over 12 years of experience practicing a wide variety of law, including administrative law, and has been with the Board for approximately 3 years, serving first as General Counsel before assuming the role of Executive Director. The Board believes that it should have the authority to set the Executive Director's salary based on merit within the group number set for this exempt position in the Legislature's Appropriation Bill.

The Board will seek this flexibility of determining the Executive Director's salary within the group designation from the 84th Legislature and will seek funding for this purpose.

e. Fluctuating Appropriated Receipts

The Psychology Board regularly experiences fluctuating appropriated receipts. The fluctuations are due to the nature of the sources from which the receipts are derived. Factors affecting the annual total for these receipts include things such as the number of license verifications requested and the administrative costs collected in connection with the processing of complaints. Appropriated receipts are estimated and comprise part of the agency's base method of funding set by the Legislature. With the amounts varying greatly from year to year it has become more difficult to estimate this source of revenue in the legislative appropriation request.

In the past three fiscal years, the appropriated receipts collected ranged from approximately \$62,500 to \$76,500. For fiscal years 2012 and 2013 the target was set at \$54,640 per year. In 2012 the agency collected \$76,537 and in 2013 it collected \$73,875. For fiscal years 2014 and 2015 the target is set at \$51,640 per year. While the agency has exceeded its fiscal year 2014 target, it cannot be determined whether the factors leading the agency to exceed this target will continue into fiscal year 2015.

The bulk of appropriated receipts is for issuance of written verifications of current licensure and disciplinary status and come primarily from requests from insurance companies and HMOs. However, because of the shared database public search feature that allows the public to search in real-time for the status of a licensee, and because some of the information sought through verifications may also be found on the Board's website in the profile information of active

psychologists, the Board anticipates that individuals and entities seeking licensure information will begin using the available free alternatives rather than pay for written verifications.

Additionally, the Board has placed all of its application forms and supporting materials on its website for download at no cost to the consumer. Previously, the Board charged \$15 for its paper packet of application materials. The fees collected from these were deposited to general revenue. These fees were historically part of the agency's appropriated receipts, but by making these forms available for download on the Board's website, this source for appropriated receipts has been eliminated.

The agency's customer friendly alternatives have resulted in reduced funds to the agency for its basic operations from appropriated receipts.

f. Mandated Fee Increases

In recent years the Board has often been required to raise its fees to cover any additional funding that it has received from the Legislature.

The Board's licensing, renewal and examination fees were raised in fiscal years 2002-2004 in order to meet legislative mandates for an online renewal system, an annual internal audit, and for the now defunct Office of Patient Protection (OPP).

In fiscal year 2006, the agency raised its fees to cover the state pay raise for classified staff and to cover the costs of the Executive Director's first salary increase in six years.

In fiscal year 2008 the agency raised fees to cover appropriations for the classified salary increase mandated by the 80th Legislature. These fee increases were an additional \$5 per licensure application and \$2 per year for annual renewal of licensure.

In fiscal year 2009 the agency raised fees to cover appropriations for its share of the shared migration database and classified staff increases. All renewal fees were raised \$26 the first year and reduced by \$10 for the second year.

In fiscal year 2013 the agency raised renewal fees by \$7 to cover appropriations and associated benefits for the additional investigator position authorized by the 83rd Legislature.

While the professional associations representing the licensees have not opposed such fee increases, it is difficult to explain to licensees why their renewal fees are among the highest in the state.

D. Service Population Demographics

1. Services to All Geographic Areas of the State

The Psychology Board is a small state agency with 13.5 FTEs, but it provides services to all geographic areas of the state. This is accomplished by several means of contact with and outreach to a variety of target populations. Staff provide and exchange information with customers by telephone, fax, email and through postal services. Additionally, the agency has publications which are now available on its website. Other publications are available both in print and on the website, including the Oral Examination brochure, Jurisprudence Exam brochure, and the brochure on Public Information on Investigation of Complaints. All applications for licensure are on the agency's website, as well as forms for licensee name and address change requests and for verification of licensure in other states by licensees. Such online forms are convenient for the licensees and save staff time. The agency also includes on its website a variety of useful information for customers from all areas of the state including applicants, licensees and the general public. The agency also plans to begin sending its newsletter to licensees by email.

For customers who do not speak English, the agency has the following policy:

"In accordance with Section 501.206(b) of the Psychologists' Licensing Act (Public Participation) the Board shall make all reasonable efforts to provide an interpreter of the appropriate language to ensure that persons who do not speak English will have reasonable access to all Board programs. The Board will obtain the interpreter on an 'as needed' basis after receiving timely notification from the person(s) that he or she does not speak English and that the services of a translator will be needed before participating in a Board program. However, application forms and all examinations required for licensure must be completed in English."

Additionally, in compliance with Senate Bill 213 passed by the 79th Legislature, the Board has notification in Spanish on its website on how a person may file a complaint with the Board against a licensee. Also, historically Board rules have required that all licensees of this Board post in their offices a sign that is printed in both English and Spanish that informs clients how to contact the Board if they wish to file a complaint against their psychologist.

Customers of the agency include primarily applicants for licensure, licensees of the Board, persons wishing to file complaints against licensees, legal representatives regarding pending complaints, and persons making open record requests for agency information. Additionally, the agency provides information to legislators, members of the media, applicants from out-of-state, other state agencies, state and national professional associations, law enforcement, and higher education programs in Texas.

2. Customer Feedback

The agency sends out annually over 500 customer service surveys targeting its eight primary customer groups. According to the results from the latest customer service report, the overall customer satisfaction rate is over 91.73%. The agency's customer satisfaction rate has steadily increased since its initial survey in 2000 when it received a 73.74% satisfaction rate. (Refer to the Board's fiscal year 2014 Customer Service Report, a separate document.)

The Board continually reviews its Act, rules, and regulations in view of the feedback that it receives from its customers through letters of inquiry and concern, telephone calls to the agency staff and Board members, written comments regarding its proposed rules from professional associations and individuals, as well as soliciting input through the annual customer surveys. This feedback has led the Board to change licensing, exam and enforcement processes and procedures in order to make its services timelier, more customer-friendly, and more efficient.

Moreover, as a result of customer feedback, the agency has made several alterations to the administration of the oral examination to make it more customer-friendly. These include providing feedback and notification to the examinee of their score upon exiting the exam facility, and the provision of more specific information about the administration of the exam in the Handbook for Oral Exam Candidates. Also, the Board has developed methods to maintain better statistics about the grading of the Oral Examination to help ensure standardization of administration. Additionally, the agency has established detailed records of the recruitment of oral examiners and the examining histories of those who have served as oral examiners.

3. Significant Trends in LSSP Service Population

The Board's service population increased significantly with the addition of those individuals authorized to provide school psychological services under Tex. Educ. Code Ann. §21.003(b) to the Board's jurisdiction, and the transfer of responsibility for credentialing the providers of school psychology services from the Texas Education Agency (TEA) to the Board. This change occurred in 1996 as a result of a legislative mandate that established the specialist in school psychology license set out in Tex. Occ. Code Ann. §501.260. The agency now has licensed more than 3,200 licensed specialists in school psychology.

TEA indicates that for the 2012-2013 school year, 5,075,840 children were enrolled in the public schools. This is a 1.5% increase in the number of students over the 2011-2012 school year. However, from the 2000-01 to the 2010-11 school year participation in special education programs decreased in Texas from 12.1% to 9%. Therefore, while the student population in Texas has increased by 19.3% over the last 10 years, the number of those receiving special education services has decreased.

Licensed specialists in school psychology provide services to those students who have learning disabilities, emotional disturbances, and autism. Additionally, as school populations change, licensed specialists in school psychology are increasingly called upon to provide crisis intervention and prevention and consultation (social skills) to students in the regular education programs.

4. Increasing Populations Requiring Mental Health Services

Texas, the second most populous state, was among the nation's fastest-growing states between 2000 and 2010, increasing by over 12% as reported by the U.S. Census Bureau. Following 2010, Texas' population grew by 1.6% from 2011 to 2012, 1.7% from 2012 to 2013, and is projected to grow by 1.7% from 2013 to 2014. Within the time frame of this Strategic Plan, 2015 to 2019, the resident population of Texas is projected to increase by approximately 6.7%. A large

percentage of this increase will be in the number of elderly and children. Both of these are vulnerable groups who may need mental health services. Furthermore, the racial and ethnic makeup of Texas will continue to change during the time frame of this strategic plan, with Anglos making up 40%, Blacks 11%, and Hispanics 42% of the population by 2019¹. Changes in the racial and ethnic makeup of the State's population will have an effect on the ratio of providers qualified to serve each racial or ethnic group.

In Texas the ratio of psychological provider to population is higher in metropolitan areas, in which 88%¹ of the Texas population live. The number of licensees who provide psychological services in Texas increased by approximately 775 individuals (11%) from 2002 to 2013.

According to the February 2014 report entitled *The Mental Health Workforce Shortage in Texas* published by the Texas Department of State Health Services (DSHS):

Nationally, 46.4% of adults experience mental illness in their lifetime and 26.2% of adults experience mental illness annually. On an annual basis, 5.8% of adults in the US experience a serious mental illness (Hogg Foundation for Mental Health, 2011). Moreover, the aging of the US population requires behavioral health services with special knowledge and skills (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013).

The report goes on to say that:

Nationwide, only 39% of persons with mental illness and just 10.8% of persons with substance abuse issues receive needed mental health treatment (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013). In fact, a national study found that 66.8% of primary care physicians were unable to refer their patients to high quality mental health specialists. This is a far higher rate of unavailability than those seen for other specialty referrals, nonemergency hospital admissions, or high quality imaging services. This unavailability was most often attributed to either inadequate health coverage or a shortage of mental health providers (Cunningham, 2009).

Workforce-based explanations for a lack of mental health providers generally focus on insufficient numbers of mental health providers, high turnover (a national average of 18.5% annually), low compensation, minimal diversity, and little competence in evidence-based treatment (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013).

According to DSHS' Texas Behavioral Risk Factor Surveillance System, in 2012, 20.4% of adults reported having poor mental health. DSHS' Texas Youth Risk Behavior Surveillance System also indicated that in 2013, 28.3% of Texas' public and charter high school students reported having mental health issues, a rate similar to the national level. Moreover, 16.7% of teens reported seriously considering a suicide attempt and 15.1% had a plan for how they would commit suicide. Finally, 10.1% of teens reported attempting suicide in the past year and 3.5% of teens had required medical intervention after doing so. As of February 2014, no reliable statewide survey data on mental health needs existed for children younger than high school age, but a report in America's Children: Key National Indicators of Well-Being 2008 shows that nearly 5

¹ Texas State Data Center, Texas Population Projections Program

percent of children are reported by their parents to have definite or severe difficulties with emotions, concentration, behavior, or being able to get along with other people.

The National Institute of Mental Health states that there are 57.7 million Americans suffering from a diagnosable mental health disorder. About one in four adults suffer from a diagnosable mental disorder in a given year. Mental disorders are the leading cause of disability in the U.S. for ages 15-44. Nearly half of the people who suffer one mental disorder, also suffer other mental disorders. Data developed by the Global Burden of Disease study conducted by the World Health Organization, the World Bank, and Harvard University, reveal that mental illness, including suicide, accounts for over 15 percent of the burden of disease in established market economies, such as the United States. This is more than the disease burden caused by cancer. Also the estimated financial cost of untreated mental illness is more than \$100 billion per year in the United States alone. Costs for a prisoner with mental illness in Texas is \$30,000 to \$50,000 per year compared to \$22,000 for a prisoner with no mental illness. According to the National Alliance for Mental Health's 2010 report on Texas, in 2008, approximately 37,700 adults with mental illness were incarcerated in Texas prisons.

According to the U.S. Department of Labor Bureau of Labor Statistics, employment of psychologists is expected to be as fast as the average for all occupations through 2022 due to greater demand for psychological services in schools, hospitals, social service agencies, mental health centers, industrial organizations, and in the private sector. This means that the employment of psychologists is projected to increase between 2012 and 2022 by 12%².

5. Changing Service Population for Licensees

Downsizing in major U.S. companies, outsourcing to other countries, the overall change in our economy to more service industries, and general economic downturn has resulted in lost jobs. The resulting stress and difficulties frequently cause individuals to seek mental health services.

The traumas associated with battle and a nation at war lead to an enhanced need for psychological services for soldiers and their families.

Recent man-made and natural disasters have caused many to seek psychological services and authorities to recognize the need for such services along with first response medical services.

Statistics indicate that minority populations are increasing which will create a need for more psychologists who understand the cultural environment of these populations.

Societal concerns with gangs and victims of violent crimes increasingly require intervention services by mental health professionals.

Crisis situations occurring as a result of school violence or terrorist activities necessitate the need for mental health professionals trained in providing crisis counseling.

² Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2014-15 Edition*, Psychologists, on the Internet at <http://www.bls.gov/ooh/life-physical-and-social-science/psychologists.htm> (visited June 06, 2014).

As the population ages, more and specialized geriatric services are needed from psychologists in nursing homes.

Psychologists are providing services to an increasing population of persons with HIV and other life threatening illnesses.

State agencies that provide services to children and the elderly enlist psychologists to perform psychological assessments and evaluations before approving state services.

High levels of persons with substance abuse result in the need for more psychologists to provide services in substance abuse clinics.

The increasing changes in the composition of the family, (e.g. more single parent families, blended families) may result in additional needs for intervention from mental health professions.

As companies provide more employee assistance programs, psychologists are needed to provide services.

Persons in the prison system, potential inmates, or persons on probation/parole may be required to receive psychological services as part of their pre-sentencing, release from the prison system or rehabilitation program. The President's New Freedom Commission on Mental Health stated in its 2003 report that 5-7% of the U.S. adult population has a serious mental illness, and 5-9% of children suffer from serious emotional disturbance. The U.S. Department of Justice, Bureau of Justice Statistics' September 2006 Special Report estimated that 56% of all state prisoners and 64% of all jail inmates had mental health problems, while Mental Health of America of Texas reported that approximately 52% of young people in Texas juvenile detention facilities have been diagnosed with a mental disorder.

Psychologists are being utilized on an increasing basis in the courtroom. The use of court-appointed psychologists has become standard in family law and criminal cases. Psychologists are being utilized by plaintiffs and defendants as experts in personal injury, discrimination and child custody lawsuits.

E. Technological Developments

1. Impact of Technology on Board Operations

Information technology is essential to all Board operations. The following is a brief overview of the various ways in which technology impacts the agency.

Replacement Licensing/Enforcement/Cash Processing Database System

The primary impact of information technology on the Psychology Board is the agency's licensing, enforcement, and cash processing system. This system is at the heart of all licensing and enforcement operations of the agency.

In June 2011, the agency's antiquated database system, which risked inoperability, was replaced with a standardized system offered by a vendor which, after customization, is shared by seven small state agencies.

As indicated earlier in this report, this collaborative solution with other small state agencies is unique in that it shows how cooperation between state agencies can be cost-efficient and advantageous in many ways.

With this current system the agency believes that it has laid the groundwork for a system that will be serviceable for many years to come, as the vendor continues to market its product and to make periodic upgrades to the product which will then be made available to user agencies. In this manner the system is less likely to become obsolete. While some additional costs will be accrued as the system is upgraded, this alternative is far more cost effective than a system which is not upgraded and therefore does not keep pace with the progress in information technology and the many benefits that such progress affords the users.

To maintain the current system the Health Professions Council (HPC) was given three new information technology staff who work exclusively on the current system.

Replacement Plan for Hardware and Software

The Board endeavors to adhere to its replacement plan for computers and software. The agency requested and received additional appropriations in past fiscal years in order to adhere to its schedule for replacing computers every four years and therefore has been able to maintain quality computer equipment. However, with the mandated cut-backs in funding for the 2012-2013 biennium, the agency was not able to replace six computers and eight printers. Funding for replacement equipment was restored however in the 2014-2015 biennium, and the agency has resumed replacing outdated equipment.

Shared Information Technology through HPC

Several years in the past, the Board and the other member agencies of the HPC began to pool their available information technology staff and information technology funds to more equitably share these types of resources. The result is that the Board has had no recent additional expenditures for information services for maintenance of its hardware, network and website. Part of the pro-rata share of monies that the Board contributes to HPC each year is for these purposes.

Use of State Automated Systems

The Psychology Board uses USAS, USPS, ABEST, and SPA to process revenues and expenditures, payroll, and to maintain property inventory. The move to these computerized systems in the last several years has increased the efficiency of the Fiscal/Benefits Division. But while such reporting has led to efficiencies, it has also necessitated the agency's one Accountant to continually learn and use new software and to obtain required mandatory training.

Website

The Board has a user friendly website with important information for the agency's customers including licensees, applicants, and the general public. The agency continues to expand its website for the convenience of its customers as well as to conserve state funds. It frequently receives feedback that the website is accessible and easy to use. The website design and software meet accessibility standards.

The Board updates the information on its website regularly, and is currently in the process of a significant update to the site's software, design, and content. Following this update, Board staff having only minimal training, should be able to make routine changes and updates to the website without the assistance of the HPC Web Administrator. The website design and software will continue to meet accessibility standards.

Email

The Board currently utilizes Gmail for its email service, having switched over from Capnet in approximately 2011. Gmail allows staff to access their emails from remote locations and from home. This type of cloud-computing easily incorporates the latest innovations and security, allows for greater user mobility, and has continues to be a win-win for the staff and for the agency's budget.

Another project currently being undertaken by the Board is to provide the biannual newsletter to licensees via email. The newsletters will continue to be provided via the agency's website, but this added method of contact with the licensees is expected to prove to be convenient and effective. This goal is now feasible since the shared database system with its own online renewal component, allows licensees to submit their emails which are then automatically stored in the agency's database.

E-government: Online Services and Profiles of Licensees

Senate Bills 187 and 645 passed by the 77th Legislature required the Board to participate in the multi-agency program for online renewals of licenses and to collect profile information about licensed psychologists. Both of these projects were implemented by the DIR and the Texas Online Authority through a contracted vendor. The Board went online with renewals in January 2003, and profile information was available to the public online by August 2004.

In order to implement these e-government projects, the Board was required to raise its renewal fees by \$3-\$5 per year for its licensees. Use of the online renewal system has continued to increase in the years and this in turn has saved staff time in the processing of annual renewals of licensure.

Additionally, the 79th Legislature required all health-licensing agencies to have their licensure application forms on their websites. The Board achieved this goal in fiscal year 2005 and since that time all four types of licensure packets are available for download from the Board's website, free of charge.

Workforce Planning Data Collection

Senate Bill 29 passed by the 80th Texas Legislature required DIR to work with the health licensing agencies to establish an online system where health care professionals can provide a set

of data about their training and current professional practices that in turn can be used by DSHS for workforce planning for health professionals. There is a shortage of health care professionals in this state and the goal of workforce planning is to provide in-depth information about where the shortages occur and what can be done to reduce such shortages.

Hacking Incidents and Viruses

The Board's website, which is hosted offsite, its on-site server, and at least one staff computer have experienced attempts at hacking in the past. However, thanks to safeguards like firewalls, improved virus software, and staff training, hacking incidents have not been a problem in recent years.

Imaging System

The Board shares an imaging system with several other members of the HPC. In the 77th session, the Legislature mandated that HPC agencies purchase this system and each was required to bear a pro-rata share of the cost of a part-time FTE to maintain it and to train agency staff on its use.

In fiscal year 2007, the HPC upgraded the aging imaging system to software that was more efficient and user friendly. Through this cooperative effort of HPC agencies, there were no additional expenses incurred by the Board. Because the updated system takes far less user time to image files, the Board has been able to make considerable progress in imaging its files and to enlarge the original scope of files that will eventually be imaged.

In fiscal year 2006 the agency purchased a computer and scanner in-house that is used exclusively for ongoing imaging of professional files. In fiscal year 2009 the agency began imaging enforcement files instead of using microfiche thereby saving time and funds.

The goals of imaging are to reduce the storage of paper files and to promote ease of access in staff review of files. This is especially important in the area of licensing where the agency is issuing more new licenses each year than in previous years without the assistance of additional staff. This in turn means that the agency's number of professional files continues to grow and must be stored expeditiously and conveniently.

Although HPC agencies have not yet taken formal steps to replace or upgrade the current imaging system, replacement options for the current system are being explored and it is anticipated that such a replacement or upgrade will become necessary in the near future as the use and demands on the system continue to grow. When that time comes, it is anticipated that we will seek additional funds to replace or upgrade the shared imaging system.

Teletherapy

As more psychologists provide therapy via telephone and the Internet, the Board continues to review its rules to determine to what extent new rules need to be developed specifically to address teletherapy. Enforcement issues may also arise as the Board resolves complaints involving teletherapy services.

The agency recognizes the emerging nature of teletherapy and has promulgated a policy statement on the use of teletherapy in Texas. Furthermore, the agency has begun reviewing resource materials from reputable third-parties, as well as rules enacted by other jurisdictions regarding teletherapy, in anticipation of initiating rulemaking proceedings on this subject.

F. Economic Variables

1. Key Economic Variables

The following trends and requirements for service delivery systems may impact the need for psychological services:

- The need for emergency mental health services for natural disasters and terrorist attacks;
- Insurance reimbursement for more out-patient vs. in-patient services;
- Hospital access and practice;
- Limited or decreased funding for schools, state agencies and local government agencies that provide mental health services and the prison system;
- Insurance companies and managed care systems limiting reimbursement for tests, number of visits, and the type of services provided;
- Movement toward managed health care to include other mental health professions;
- Shifts to physicians for medication instead of psychotherapy for treatment, as such costs are more easily reimbursed by third party providers;
- National healthcare reform;
- Spread of telehealth services;
- Changes in federal laws to provide parity in mental health;
- New federal laws and regulations regarding privacy and electronic health records; and
- The winding down of the wars in Afghanistan and Iraq and the resulting need for more mental health services to treat war-related psychological conditions as those veterans return home or to civilian life.

2. Other Economic Variables with Impact on the Board and Its Service Populations

The following external factors have potential impact on the agency and its service populations.

- Unstable economies contribute to the already high divorce rate. More and more divorces require court-ordered custody orders and a central component of such determinations are forensic evaluations by licensed psychologists. Since there is frequently one unhappy party in such situations, the displeased parties file complaints against the court-ordered psychologists with this Board.
- Managed health care plans and insurance companies check with the Board to make sure that their providers have no disciplinary action. Therefore, licensees are not as willing to accept any type of negotiated disciplinary action because they do not want to be dropped by the carriers.

- Insurance carriers are providing attorney assistance to psychologists for administrative hearings that may cause the need for increased legal preparation and increased costs for complaint resolution to the agency.
- A robust economy in the state has served to attract professionals seeking licensure from other states, thereby increasing the number of applicants.
- The cost of investigation, depositions, expert witnesses and litigation continues to increase because psychologists hire highly qualified and experienced attorneys to defend them in cases before the Board.
- The profession is intolerant of sexual misconduct and other forms of abuse of patients that leads the agency to revoke a license for sex with a current patient.
- Changes in our economy lead to job changes and job eliminations that can result in more persons seeking mental health services.
- The nation is more aware of the costs resulting from natural disasters and the need for mental health services for victims of the disasters.
- Large scale concerns such as world pandemics, domestic terrorists, contaminated food and automobile recalls all have economic impacts on the state and nation as well as the mental health of the population.
- Changes in State law requiring the streamlining of the licensing procedures for applicants with military experience, as well as spouses of active duty service members.
- Allowances for out-of-state providers under the Uniform Emergency Volunteer Health Practitioners Act while an emergency declaration is in effect. See Tex. H.B. 746, 83rd Leg., R.S. (2013).
- Mandated redevelopment of business continuity plans in compliance with the state business continuity initiative.

3. Board Response to Changing Economic Conditions

The agency's response to these changing economic conditions includes the following:

- (1) Monitoring and gathering pertinent information on such changes and trends.
- (2) Planning and requesting appropriations to meet anticipated needs.
- (3) Re-examining state laws and agency practices for handling open record requests to ensure that they are promptly processed.
- (4) Revising Board rules as necessary to clarify to licensees the standards of practice that they are to uphold, targeting some areas such as supervision for special review.
- (5) Including articles in the on-line biannual newsletter to alert licensees to specific areas of rule violations.
- (6) Updating and expanding the website to assist applicants, inform licensees, and assist the general public in filing complaints against licensees.
- (7) Utilizing more electronic cost saving alternatives, such as a planned agency email newsletter to licensees and use of email.
- (8) Cooperating with e-government initiatives for online services mandated by the Legislature.
- (9) Participating in committees through the HPC and the Small State Agency Task Force to keep abreast of the many changes in state government and to seek greater efficiencies in delivery of services.

- (10) Cross-training staff and documenting all agency processes to lessen the impact of employee turnover.
- (11) Participating in various consolidation of services initiatives through the HPC and other entities, such as the shared replacement database.
- (12) Identifying new ways to conserve agency funds, including monitoring the innovative actions of other state agencies.
- (13) Updating disaster recovery plans and procedures to ensure business continuity.
- (14) Responding to concerns of staff and providing them with opportunities for training, wellness programs, and EAP services.
- (15) Providing staff training on security and privacy issues including Ch. 181, Health and Safety Code.

G. Impact of Federal Statutes/Regulations

1. Americans with Disabilities Act (ADA)

All individuals covered by the Americans with Disabilities Act (ADA) must be provided with equal access to the services provided by the Psychology Board, including the areas of employment, testing, and licensing. Accordingly, provisions in the ADA must be complied with by the agency and the agency must keep informed about any developments or changes in this law. In 2008 the Americans with Disabilities Act Amendments (ADAA) were passed by Congress which emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.

In the past, the Board has had to assume the costs of providing ADA accommodations for candidates who it approves to take the national psychology exam. While the agency successfully accommodated persons with disabilities and avoided lawsuits of this nature, it has recently entered into a new agreement with ASPPB, the entity that owns the national psychology exam, whereby ASPPB has assumed all costs of providing ADA accommodations.

2. Federal and State Education Law

The Board has the responsibility for licensing and regulating the practice of school psychology in the public schools. The Individuals with Disabilities Education Act (IDEA) is a federal statute which provides federal funds to assist states and school districts in making a free appropriate public education available to students with specific disabilities in mandated age groups. A student must meet the eligibility criteria of the recognized disability categories to receive services under IDEA. These services involve special education and its related services in accordance with the child's individualized education plan (IEP). Practitioners of school psychology participate in determining whether children meet the eligibility criteria and frequently provide the related services required for the child under the IEP.

Section 504 of the Rehabilitation Act of 1973 mandates that all children in public schools have access to any program of the regular or special education curriculum and related aids and services that are designed to meet the individual educational needs of children on a non-discriminatory basis. A student cannot be denied access to school services because of a disability.

The Family Educational Rights and Privacy Act (FERPA) is another overriding federal law that directs the practice of school psychology.

The Board creates rules for the provision of psychological services in various settings including public schools. The agency takes the position that unless the licensees of this Board are adhering to other state and federal laws and regulations concerning their methods of practice in the public schools, they are required to adhere to Board rules.

The Board has seen a steady number of school psychology complaints in recent years. Parents have become aware that they can file complaints against the licensed specialists in school psychology that provide psychological services in the public schools and conduct assessments on their children in the public schools.

3. Health Insurance Portability and Accountability Act and Privacy Standards

The Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economics and Clinical Health Act (HITECH), and their resulting regulations, set standards for privacy of medical records kept by many entities and professionals. In the 77th Legislative Session, Senate Bill 11 was passed which relates to the implementation of these standards. These standards were subsequently updated with the passage of House Bill 300 in the 82nd Legislature. The extent to which this federal legislation and regulations and state legislation will affect this Board and its licensees continues to unfold. By way of example, the Attorney General currently has a request for an opinion pending (RQ-1105-GA) whereby the issue is whether a county, i.e. governmental unit, is encompassed within the definition of the term “covered entity” under Ch. 181, Health and Safety Code. If the Attorney General opines that a county is not a “covered entity” under Ch. 181, such an opinion could potentially exempt state agencies from compliance with Ch. 181. However, until such a determination is made, this agency will comply with the applicable standards set forth in Ch. 181, Health and Safety Code.

4. Other Privacy Laws

There are many laws that impact privacy. For example, the Texas Health and Safety Code controls access to mental health records. Licensees of the Board are required to be familiar with this and other pertinent state and federal laws that impact the practice of psychology. The Board can discipline its licensees if they are found in violation of such laws.

A brief synopsis of various laws affecting the practice of psychology in Texas may be found in the *Winter 2013* newsletter found on the Board’s website.

5. National Practitioner Databank

As a state health regulatory agency the Board is mandated by federal legislation to report disciplinary actions against its licensees to the National Practitioner Databank. Although the Board was unable to comply with this unfunded federal mandate for many years because of insufficient resources and personnel, the Board has recently begun reporting as required by federal law. As of June 2014, we are current on all of our reporting requirements.

H. Other Legal Issues

1. Criminal Record Information

Criminal history record information has become a topic of considerable interest to many agencies and to the Legislature.

Survey of Criminal Records by State Auditor's Office:

The 80th Texas Legislature mandated the State Auditor's Office (SAO) to conduct a survey of state agencies to determine which agencies have authority to obtain any type of criminal records and if they use such authority. Additionally, the SAO was charged to develop a common set of standards to be met by agencies when they establish their policies for obtaining criminal history records.

The findings of this survey include the fact that there are over 100 laws that deal with agency authority to obtain some type of criminal records. The Psychology Board was reported as having 80% of the required SAO standards in its procedures on obtaining criminal records. The SAO reported that some agencies currently had no written procedures for obtaining criminal records. The Board has since further expanded its procedures regarding criminal records.

Criminal History Records on Employees of the Board:

The Board has authority to obtain criminal history records on its employees from the Texas Department of Public Safety's (DPS) public website. It intends to secure this type of criminal record check on its current employees as needed.

Criminal History Records on Applicants from the Texas Department of Public Safety:

Beginning in 2006, the Psychology Board obtained criminal history records from the DPS secure website for applicants for licensure and for licensees who renewed if they indicated on their renewal forms that they had been convicted of a criminal offense. Additionally, the Board may obtain a criminal record check on any licensee that it has reason to suspect may have such a record.

Criminal History Records on Licensees:

Additionally, the 79th Texas Legislature mandated that the Board obtain quarterly criminal history record checks on all its licensees from DPS by amending Section 60.061(a) and (b), Code of Criminal Procedure. Therefore, beginning in 2007 the Board secured new programming to allow it to interface with the DPS database in order to receive quarterly criminal records on its licensees. Once received, the Enforcement staff manually review professional licensee files to determine if the criminal actions have previously been reported by the licensees as required by Board rule.

The quarterly DPS criminal history record checks of all licensees not only resulted in a substantially increased number of new complaints for two years for the Board, it also resulted in an on-going new area of investigations for the Board as it quarterly receives updates from DPS. Moreover, the Board has the responsibility of possibly levying disciplinary action for serious crimes committed by licensees.

After the first initial round of checking all licensees, the Board now receives quarterly reports of new criminal history records of licensees as well as any updates on previous records. However, beginning in 2012, DPS broadened the search criteria of its criminal records to such an extent that the resulting reports quadrupled in size necessitating an inordinate amount of staff time to review them. Thereafter, in the 2012-13 biennium, DPS changed their reporting methodology yet again, and began using a Soundex algorithm which has made the quarterly criminal history review process virtually impossible for the agency. The amount of information generated by this new Soundex algorithm, along with the inability to discern criminal history events previously reviewed, has eviscerated the utility of quarterly criminal history record checks. Discussions with DPS to provide narrower search criteria have been unproductive.

FBI Fingerprint Criminal History Record Checks on Applicants:

Yet another type of criminal history record is the fingerprint criminal history record from the FBI. The Board began requiring all applicants for licensure obtain a fingerprint criminal history record from DPS/FBI in October 2007. This type of criminal history record further ensures the safety of the public because the Board can now determine if an applicant has a criminal history record from any state, not just in Texas, as compiled by DPS.

Initiative for 2014-2015 – FBI Criminal History Record Checks on All Licensees:

The Board currently has the authority to obtain FBI fingerprint criminal history record checks on all its licensees. Given its knowledge of what is required to successfully obtain these criminal history record checks on applicants for licensure during the past four years, the Board wants to take the next step and require all licensees to obtain FBI fingerprint criminal history record checks.

Currently the agency obtains approximately 650 of this type of criminal history record check on its applicants for licensure per year. To obtain this kind of criminal history record check on approximately 5,000 licensees who were not required to obtain a fingerprint criminal history record check for initial licensure requires the addition of another full-time Investigator. This investigator would have the duties of reviewing the resulting reports, opening complaints, and resolving them with possible disciplinary action for failure to report as well as for the criminal actions themselves if necessary. This initiative would require a phase in period of four years.

The Board requested and received funding and an additional FTE position for this initiative from the 81st Legislature. However, due to the budget cutbacks in the 2010-2011 biennium the Board could not hire the investigator and the position had to be cut entirely for the 2012-2013 biennium due to the drastic reduction in appropriations for this agency. The position was restored however for the 2014-15 biennium by the 83rd Legislature, and we anticipate beginning this initiative in late 2014 or early 2015 with the newly hired investigator.

Eligibility of Persons with Criminal Records Interested in Entering the Field of Psychology:

House Bill 963 passed by the 81st Legislature allows a person with a criminal history who is interested in becoming a member of a profession regulated by the state to request that the regulatory agency determine if their criminal background would prevent them from obtaining a license in that field. The Psychology Board has complied with this legislation by amending Board rules and by establishing procedures for this purpose.

2. Licensed Specialist in School Psychology

The passage of Senate Bill 1 by the 74th Legislature continues to affect the agency's licensing and enforcement activities. The Psychologists' Licensing Act was amended to assign the agency the responsibility for issuing a new credential, the licensed specialist in school psychology (LSSP), effective September 1, 1996, and regulating the provision of all psychological services in the Texas public school districts. Public school districts in Texas were formerly exempt from the agency's jurisdiction.

The LSSP is the only license by which an individual may offer school psychological services in Texas public schools.

These changes have affected the agency by increasing its activities in the areas of rulemaking, licensing, renewals, and public information. By way of example, because of the unique difference in the delivery of school psychological services in the public schools from psychological services in the private sector, the Board must take this factor into account when considering proposed rule changes.

Moreover, the agency now has the responsibility for investigating and resolving complaints concerning the delivery of psychological services in the public schools. This means that the Enforcement Division and the General Counsel have to address many issues regarding school law. For example, in the public schools when an assessment of a child is made by a team of professionals to determine the most appropriate special education program, the assessment team usually includes an LSSP. Frequently, such placement is challenged by the parents of the child, and the parents often file a complaint with this agency against the participating LSSP. Such complaints tend to be very time consuming because of the complexity and depth of the federal statutes and regulations that make up the controlling body of law in this area.

3. Increased Complexity in Practice Requirements for the Profession

As the practice of psychology grows increasingly complex and managed care impacts the profession, the Board must continue to monitor, revise and write new rules. Clear, concise rules assist the licensees in adhering to high standards of practice and ensure the public's safety. In addition, licensees, educators, and attorneys frequently seek specific guidance from the agency to ensure compliance with the rules.

The introduction of sublicenses, e.g. Licensed Sex Offender Treatment Providers, has also added to the complexity of practice requirements. Licensees must now take into account the effect of both the Board's rules, as well as the rules governing any applicable sublicense when delivering services, and the Board must take into account the rules governing the sublicense when responding to inquiries from licensees or considering enforcement matters.

The American Psychological Association (APA) promulgates its own Ethics Code which is a comprehensive set of national practice standards for psychology. Several of the tenets of this

Code have been incorporated into new and revised Board rules, including those regarding the prohibition on sexual relations with parents, spouses, and children of current patients.

Additionally, in 2010 the APA updated its guidelines on child custody evaluations. Since this area of practice results in many of the substantive complaints that are filed with the Board, the Board revised and updated its rules concerning child custody evaluations and child visitation as components of forensic psychological services.

4. Requests for Public Information

The Psychology Board is committed to the effective and efficient provision of public information, despite the fact that the statutes and legal decisions that govern the Board's release of public information are becoming more intricate. As a result, legal and efficient compliance with open record requests requires expertise and more staff time, thus impacting the agency's limited legal resources.

On September 24, 2003, the agency obtained an open records letter (OR2003-6711) from the Attorney General's office that served as a "previous determination" for future open records requests. The letter held that the Psychologists' Licensing Act prohibits the agency from releasing investigative files under Section 501.205 of the Act. As a result, the Board does not have to submit future open record requests for investigative files to the Attorney General's office.

The upgraded shared imaging software for this agency, available through the HPC, has provided greater efficiency for the agency in complying with the Texas Public Information Act. The agency also purchased a computer and scanner for exclusive use by this agency for imaging, thereby enabling staff to more easily complete ongoing imaging tasks. Many of the agency's professional files and all agreed orders have been imaged and therefore are more easily assessable in response to open records requests.

Issues regarding privacy and security of information are expanding areas of concern in the state. The Board continues to monitor these areas as new laws, rules and guidelines are issued.

5. Requests for Attorney General Opinions

Recently, the Board has requested two attorney general opinions. The first opinion concerned the employment of LSSPs by universities and whether such employment afforded them exemption from the Board's jurisdiction under Tex. Occ. Code Ann. §501.004(a)(1). The second opinion concerned whether the Board may destroy mental health records placed in its custody by a court order, versus the records having come into the Board's possession through its normal regulatory functions.

Receiving such attorney general opinions assists the Board in passing rules and offering guidance to its licensees based on expert legal interpretations of applicable laws.

6. Alternative Dispute Resolution

As the costs of litigation increase, Alternative Dispute Resolution (ADR) is widely recognized as a cost efficient way to resolve legal disputes. The State Office of Administrative Hearings (SOAH) approves ADR to resolve contested licensing and disciplinary cases. In appropriate circumstances the Psychology Board offers this means of resolution to respondents of contested cases. However, it should be noted that mediation is offered only after the Board has been unable to resolve a complaint informally through its review process and negotiation of agreed orders.

Typically, the Board refers two cases a year for mediation at SOAH. If the mediation fails, then the Board has the option of filing the case at SOAH for a full administrative hearing. Current resources may not allow the Board to resolve more than a maximum of six cases at SOAH per year.

7. Pending Court Cases

The Board has been involved in the following lawsuits in the recent past:

Texas Association of Psychological Associates v. Texas State Board of Examiners of Psychologists.

This lawsuit sought to invalidate the Board rule requiring licensed psychological associates to practice under supervision. The Board prevailed at trial, and the case is now appeal before the 3rd Court of Appeals in Austin, Texas.

Mary Louise Serafine v. Tim F. Branaman, Chairman, Texas State Board of Examiners of Psychologists, et al.

This lawsuit seeks to declare the Psychologists' Licensing Act, along with all of the Board's rules, unconstitutional. Plaintiff seeks the right to call herself a psychologist and practice psychology, though she is not licensed to do so by this agency. The case has been tried before the Court in the U.S. District Court for the Western District of Texas, Austin Division, and the parties are awaiting the Court's ruling. In the event the plaintiff prevails, the case will be appealed to the U.S. 5th Circuit Appellate Court, and in the event the agency prevails, plaintiff has already indicated that she will appeal.

Texas State Board of Examiners of Psychologists v. Karena Lasha Garcia.

This was a lawsuit brought by the Board against an individual who had forged a renewal permit and was impersonating a licensee. The Board sought and obtained an injunction against the defendant, as well as a large civil penalty. The judgment is now final.

Cox v. Texas State Board of Examiners of Psychologists.

This was a lawsuit brought against the Board seeking to require the Board to prosecute a complaint against a licensee for developing and utilizing enhanced interrogation techniques

during the wars in Afghanistan and Iraq. The lawsuit was dismissed by the trial court, and no appeal was filed. The dismissal is now final.

I. Self Evaluation and Opportunities for Improvement

1. Effectiveness and Efficiency of the Board

a. Board's Record of Achieving Key Performance Measures

The Psychology Board is especially proud of the fact that it met or exceeded its key performance measures for four successive fiscal years 2004-2007. This accomplishment was especially important to note because during this time period the agency lost two FTE positions because of a cutback in funding which necessitated implementation of new efficiencies that allowed it to continue to operate with reduced staff.

In fiscal years 2008 and 2009 the Board met or exceeded 7 of its 9 performance measures. The Board did not meet the Percentage of Complaints Resolved in Six Months and the Number of New Licenses Issued.

In fiscal year 2010 the agency met or exceeded 6 of its 8 performance measures with only the Number of Jurisdictional Complaints Received and the Number of Complaints Resolved targets not met.

In fiscal year 2011, again 7 of the 8 measures were met or exceeded with only the target for the Number of Complaints Resolved not met. The Board's General Counsel position was vacant for three months in fiscal year 2011.

In fiscal years 2012 and 2013, the agency met or exceeded 7 out of 8 key performance measures, despite exceedingly high turnover rates. For fiscal years 2012 and 2013, the Board did not meet the Percent of Licensees Who Renew Online. However, the agency is on course to meet its performance measures for fiscal year 2014.

b. Implementation of Sunset Legislation Requirements

House Bill 1015, by Representative Vicki Truitt, was the Sunset Legislation for this Board passed by the 79th Legislature. This legislation made many changes in the Act that required the Board to pass new rules, develop new policies, implement new procedures, and establish a workgroup. Additionally the Board received two management recommendations in the Sunset Report which were audited by the State Auditor's Office for completion.

The Board has accomplished all of the tasks set for it by the changes to the Act. These were as follows:

- Adoption of a policy requiring the use of technological solutions and use of the Internet to provide information to the public.
- Adoption of a policy on negotiated rulemaking.
- Adoption of a policy on early public input on rule development.

- Adoption of procedure to analyze trends in complaints.
- Adoption of policy on prioritization of complaints.
- Amend Board rules to allow licensees from other states who hold provisional licensure in this state to practice independently after they submit their licensure application.
- Amend Board rules to streamline licensure requirements for licensees from other states who seek licensure as psychologists in Texas.
- Amend Board rules to streamline provisional licensure requirements for out-of-state licensees who hold certain other types of credentials.
- Adopt new Board rules and policies to establish an Oral Exam Workgroup to evaluate the oral exam for the purpose of improving consistency of the administration and the objectivity of the exam.
- Amend Board rules to only assess knowledge of psychological principles and techniques, applicable laws and regulations and ethical principles in the oral exam.
- Amend Board rules to establish a temporary license of limited purpose and time for licensees from out of state desiring to practice in Texas.
- Amend Board rules to require one public member on informal settlement panels.
- Amend Board rules to establish a schedule of disciplinary sanctions.
- Adoption of policies for implementing quarterly DPS criminal history record checks on all licensees.
- Amend Board rules to remove the Psychological Associate Advisory Committee.
- Complied with management recommendation to put all disciplinary actions against licensees on the website.
- Complied with management recommendation to provide more information to a complainant as to why their complaint was dismissed.

The Board will be reviewed for Sunset again in 2017.

c. New Rules

In compliance with state law, the Board has successfully completed three full rule reviews. As a result of such reviews, as well as other frequent changes made to rules by the Board as needed or as new issues arise, many rule changes, especially those involving standards of practice, have occurred in recent years. The Board is dedicated to providing licensees and the public with clear and enforceable rules. Among the many benefits of these revised rules are that licensees can more easily adhere to them and therefore commit fewer unintentional violations. In addition, complaints which must be taken to SOAH will be easier for the agency to prove.

Notable changes to practice rules include:

- requiring a psychologist to conduct an evaluation specific to child visitation or parenting arrangements before opining about child visitation or parenting arrangements;
- expansion of revocable offenses to include Medicare and Medicaid fraud convictions in federal court, as well as deferred adjudications for such crimes;
- prohibiting licensees from having a dating relationship with various classes of individuals, including current and former patients;
- prohibiting licensees from utilizing a debt collection service without proper notice;

- reducing the records retention period to 7 years after termination of services or 3 years after reaching age of majority, whichever is greater;
- prohibiting LSSPs from resigning during the school year, unless they meet certain criteria;
- reduction in the limitations period for bringing a complaint alleging a records or sexual impropriety violation; and
- amended the standard for withholding patient records to reflect the appropriate standard set forth in HIPAA.

Notable changes to licensure rules include:

- an increase in the number of professional development hours licensees are required to show for license renewal, a requirement that 3 of the hours be in cultural diversity as well as a requirement that 10 of the 20 hours come from an approved provider;
- increase in late renewal fees, necessitated by an increase the national psychology examination;
- allowed psychological associates to use their title while acquiring the supervision necessary for full licensure;
- clarified procedures for renewal of a license to a person who is in default on Guaranteed Student Loans; and
- deleted the Health Service Provider waiver from the oral examination requirement due to inadequate criteria for obtaining the credential.

d. Empowerment of Staff

In both licensing and enforcement, the Board empowers its staff to make decisions that result in more timely services for the agency's customers. Rather than requiring full Board approval of applications, the licensing staff review and approve licensure applications in compliance with the Act, rules, policies and procedures set by the Board. Any difficulties with applications can be reviewed with the Board member who serves as the Applications Committee for the Board and with the Executive Director. Applications with no difficulties are quickly approved to take the required examinations.

In enforcement, the Board has identified the types of complaints that can be resolved by staff. These would include first-time violations with penalties no higher than a reprimand and cease and desist complaints against non-licensees. The Board is informed about the total number of cases that have been resolved by staff at regularly scheduled Board meetings. Additionally, complaints for non-compliance with professional development (formerly known as *continuing education*) can be resolved by payment of a timely administrative fee and then can be dismissed by staff per Board policy. Also, substantive complaints with no supporting evidence of violations are recommended for dismissal by staff and approved by the Board at a regularly scheduled Board meeting.

Empowerment of staff invests them in the Board's operations, creates more job satisfaction, and leads to greater agency efficiency.

2. Areas Needing Improvement

- **Business Continuity in Disaster Situations**

No Alternate Facilities Available:

As noted in connection with the agency's most recent SORM Risk Management Program Review, the agency does not have any alternate facilities available in the event of a major disaster or catastrophe. However, HPC is currently coordinating a member agency workgroup to assist member agencies in receiving assistance in developing/revising their business continuity plans in compliance with the state business continuity initiative. This process should assist the Board with meeting the State's new business continuity requirements, including providing opportunities or guidance on securing alternate facilities.

- **Staff Training**

No Funding for Staff Training:

Many classified staff are too reliant on form letters, and lack adequate writing skills to draft basic correspondence without having that correspondence reviewed by the Executive Director, prior to mailing. The agency would like to assist key staff in becoming better writers by sending them to appropriate training opportunities. This would greatly improve the efficiency and professionalism of the agency. However, this objective cannot be accomplished without additional funds to pay for the training.

3. Key Obstacles

a. Low Staff Salaries

Staff identified low salaries as the primary drawback to this agency in the Survey of Organizational Excellence that this agency participated in up until 2007. Low salaries continue to be a significant weakness for this agency when compared to other state agencies.

For fiscal year 2011, the State Auditor's (SAO) Legislative Workforce Summary stated that the average salary at this agency was \$7,449 below that of the average salary at other Article VIII regulatory agencies. That same report showed that the salary disparity had grown to \$8,598 for fiscal year 2012.

While the 81st and 83rd Legislatures assisted the agency in its endeavors to raise staff salaries by granting minimal additional funding for this purpose, those small increases did not bring the average salary at this agency up to the average salary at other Article VIII agencies. Therefore, the agency must continue to struggle to retain its trained staff in the face of the reality that they could be paid higher salaries at other state regulatory agencies.

As a result, the Board must seek additional funding from the 84th Legislature in order to award merit salary increases to its deserving, experienced staff.

Similarly, the Executive Director's salary was last increased by the 83rd Legislature. However, the current salary level of the director for this agency does not reach the minimum salary for an entry level individual in this position according to the 2008 SAO Report No. 08-708, nor does it

come close to approaching the market average salary as determined by the SAO's 2012 report on executive compensation. The current Executive Director has over 12 years of experience practicing a wide variety of law, including administrative law, and has been with the Board for approximately 3 years, serving first as General Counsel before assuming the role of Executive Director.

Retaining an experienced and competent Executive Director is a prerequisite for the successful operation of this agency. Therefore, the Board will seek a salary increase for this exempt position in the next legislative session and/or the authority for the Board to set the director's salary within the Group I range.

b. Legislative Mandates and Required Increased Fees

Since 2002, the Legislature has generally required that any new funding for the agency must be paid for by the Board raising its licensing fees.

In the past several years, the Legislature mandated multi-agency programs but required that the Psychology Board (and usually other health regulatory agencies) to pay its part of the costs by raising its licensing fees. For example the Legislature mandated that agencies participate in new online systems and to purchase a shared imaging program.

Such mandates as well as any additional funding that the agency was appropriated resulted in fees raises after the 78th, 79th, 80th, 81st and 83rd Legislative sessions. The 83rd Legislature granted the agency's request for increased funds for an additional investigator, necessitating the agency to raise its renewal fees by \$7 in fiscal year 2013.

While the Board understands the need for the agency to raise its fees to receive additional funding, it must also deal with the reality that Texas psychologists pay some of the highest application fees of any state in the nation, as well as some of the highest renewal fees in the state for any professional license. Additionally, the agency collects fees far in excess of what is needed to fund this agency and its indirect costs.

On the average, the agency collects almost a million dollars more in fees per year than it expends. The remainder is left in General Revenue.

c. Federal Mandates

As a state health regulatory agency the Board is mandated by federal legislation to report disciplinary actions against its licensees to the National Practitioner Databank. This federal mandate however is unfunded, and the costs of compliance rest solely with this agency. Although the Board was unable to comply with this unfunded federal mandate for many years, the Board has recently begun reporting as required by federal law. This reporting takes up valuable staff time and prevents staff from focusing solely on their regulatory duties.

d. Lawsuits

For the past 15 years lawsuits against the agency have been almost nonexistent. However, since 2010 the agency has had three unusual lawsuits filed against it, two of which are still pending or on appeal.

- (1) One lawsuit concerns the association for licensed psychological associates which alleges that the Board does not have the authority to pass a rule that requires this type of license to be supervised by licensed psychologists.
- (2) One lawsuit maintains that the Board failed in its duties to discipline a licensee who is alleged to have participated in the torture of persons held by the U.S. Government in connection with the war on terror.
- (3) One lawsuit maintains that the Board does not have the right to declare that a certain individual is violating the Act by claiming that she is a psychologist when she holds no such license with this Board or any other state Board.

Such lawsuits require the legal services not only of the Attorney General's office who represents the Board, but also of the Board's one General Counsel who frequently assists in research for the defense of these lawsuits. As a result, the General Counsel has less time to devote to agency duties such as resolving substantive complaints, drafting rules, and assisting the Executive Director.

4. Opportunities

a. Shared Resources and Information

The Psychology Board has participated in multiple projects to conserve state resources by consolidating various functions with other agencies. Most notable are the following.

- **Shared Migration Database System**

The Psychology Board and five other small state agencies with the assistance of the Health Professions Council and DIR requested funding from the 81st Legislature to replace their six stand alone legacy systems with licensing/enforcement software from an approved vendor. The Legislature granted this request and the agencies selected a vendor's system to become the new shared system with certain customizations that became operational in May 2011.

Having these six agencies cooperate to secure one common software has saved the state tens of thousands of dollars compared to the costs for each state agency to have secured separate replacement systems. The agencies' proactive initiative in replacing antiquated systems that risked inoperability has saved the state in both the short and long terms.

- **Consolidation of Accountant position with Texas Funeral Service Commission**

The Psychology Board has been sharing its Accountant with the Texas Funeral Service Commission since May 2004. Through an interagency contract, the Funeral Commission pays the Psychology Board for selected services provided by the Accountant. This was possible by shifting certain duties within the agencies from the Accountant to other staff, thereby freeing up some of the Accountant's time. This contract allowed the Funeral Commission to reduce its

number of FTEs and to conserve funds, and it has provided another funding source for the Psychology Board.

- Information Technology

Several years ago the HPC member agencies consolidated their information resource personnel. These personnel continue to provide website and network maintenance for the HPC member agencies.

b. Training for Staff

Training for both experienced and new staff is an important opportunity and responsibility for the Board that is aimed at ensuring that all staff stay abreast of new technology, receive refresher courses on such topics as customer service and time management, and occasionally participate in motivational courses about attitudes and stress management. All staff participate in periodic mandated training for state employees, such as the EEO/sexual harassment training. Training prepares existing staff for changes in operations such as the impact of online services, the increasing use of e-mail, and e-discovery.

All training is provided in accordance with the agency's training policy. Individual staff may take outside training as approved by the Executive Director. As possible and as needed, training is also provided to staff at staff meetings on such subjects as computer security, safety, customer service, and time management, as well as briefings on actions taken at Board meetings.

In-house training is provided to new staff by means of the agency's extensive manuals, procedures, and position books, as well as one-on-one training.

Additionally, some specific outside training is mandated for staff who hold certain responsibilities within the agency, such as for the Accountant who serves as the agency's information resources manager, as well as the personnel manager and purchaser. Similarly, the Executive Assistant serves as the risk management manager and the safety manager. The General Counsel must obtain annual continuing education hours in order to maintain current bar licensure.

The Executive Director, in addition to obtaining the continuing education necessary to maintain his law license, participates in many types of training ranging from fraud prevention to risk management to open records and open meetings, as well as legislative and budget training.

Following the passage of Tex. H.B. 300, 82nd Leg., R.S. (2011), the agency has begun training all staff as required by Tex. Health & Safety Code Ann. §181.101. This training pertains to the state and federal law governing protected health information as it relates to the covered entity's particular course of business and each employee's scope of employment.

c. Risk Management

The Board's Risk Assessment Plan for fiscal year 2014 has been developed and submitted to the State Auditor's Office. Risk assessment allows the agency to continually focus on how to prevent and lessen the potential of various identified risks for the agency.

d. Creation of Wellness Program for Staff

As encouraged by Government Code Chapter 664.051-061, the Psychology Board developed a pilot wellness program for its staff to encourage healthier ways of living and thereby to reduce staff absences. To date, 50% of staff have approved wellness plans.

5. Working with Government Entities to Achieve Success

The number of cross-agency initiatives in state government has assisted the Psychology Board in leveraging its limited resources into enhanced customer services and in operating at a decreased level of funding in recent years without sacrificing performance.

Previously mentioned in this report are the following instances of the Board working with other agencies to achieve success:

- Texas Online for online renewals and profiles of licensed psychologists
- shared information technology staff and resources through the HPC
- an interagency contract for fiscal services with the Texas Funeral Service Commission, by which the Psychology Board shares its Accountant
- a replacement licensing/enforcement database system for the separate systems in with five other small state agencies
- Reporting of disciplinary actions to the National Practitioner Databank
- Reporting of disciplinary actions to the Texas Attorney General's HB 300 (Texas Medical Records Privacy Act) reporting portal

The Board also joined with several other agencies on mandates stemming from the 80th Texas Legislature. Senate Bill 44 required the Texas Department of Criminal Justice (TDCJ) to develop guidelines to be used to approve providers of services to family violence offenders appointed by the courts. TDCJ was directed by the legislation to provide drafts of the proposed guidelines to the licensing agencies whose licensees were to be affected. Also, Senate Bill 141 directed the Texas Higher Education Coordinating Board to work with various entities including representatives of the HPC in studying the feasibility of shared courses across health professional degree plans in institutions of higher education.

Additionally, the Board works with other state agencies in its daily operations to ensure that all fees collected are processed and deposited to the state treasury in a timely manner and in accordance with state law. The Board uses the services of the Attorney General's office to issue injunctions against non-licensees in violation of the Act, to represent the Board in lawsuits, and for Attorney General Opinions to clarify the Act.

The Board provides quarterly performance measure reports to the LBB, as well as the annual financial report, the biennial legislative appropriation request, the information resources biennial operating plan, the biennial operating budget, and other reports as required or requested.

The Board provides similar information to the Texas House of Representatives, the Texas Senate, and the Governor's Office. An additional report required of health regulatory licensing

agencies concerning enforcement performance was mandated by the 81st Legislature by Senate Bill 1058.

The Board files numerous reports to the Comptroller's Office, DIR, and the SAO. Through these and other reports the Board is constantly monitored by other government entities.

The Board complies with all applicable federal labor laws and other federal employment laws.

The Board cooperates with the Texas Guaranteed Student Loan Corporation to ensure those licensees who are in default of a guaranteed student loan, are not eligible for renewal until they have cured the default. Additionally, the Board cooperates with the OAG Child Support Division to ensure those licensees found to be in arrears on their child support obligations or in violation of a repayment schedule are denied licensure, prohibited from renewing their license, or have their license suspended.

The Board cooperates with the U.S. Postal Service OIG in investigations and prosecutions involving licensees involved in Medicare and Medicaid fraud.

6. Key Available Resources

Other state agencies provide numerous avenues of information to the Psychology Board via their publications, websites, e-mails, conferences, training, rules and regulations, as well as one-on-one telephone calls. Some of this information is included as the Board's indirect costs and must be covered by the Board's collected fees.

The agency's primary resources are its experienced staff and nine Board members. The agency depends on the professional members of the Board more than some other health licensing agencies because the Board has no licensees of this profession on staff. Additionally, the agency contracts with licensed psychologists to provide professional reviews of complicated enforcement complaints, to serve as examiners and consultants for the Oral Examination, and as consultants for the Jurisprudence Examination.

7. Employees' Attitude on Low Pay

As reflected in the Survey of Organizational Excellence for fiscal year 2007 and on all foregoing surveys for the past several years, the employees of the Psychology Board are proud of their agency and of their work. However, they consistently believe that they are underpaid for the work that they do. This is supported by the fact that the 2012 Legislative Workforce Summary prepared by the State Auditor's Office shows that the average staff salary at this agency was \$8,598 below the average salary of other Article VIII regulatory agencies. This trend of being underpaid as compared to other Article VIII agencies has been in evidence since at least 2005 as revealed by SAO reports.

While the agency continues to perform at an outstanding level, evidenced by its historic record of meeting or exceeding all or the majority of its performance measures, the Board knows that it is living on borrowed time. The gap in salaries compared to the average in other regulatory

agencies still exists and therefore the agency remains non-competitive for its positions with other state agencies of similar size and scope. Faced with the ongoing turnover of staff at this agency, this salary gap continues to be a threat to the agency's effective and efficient operations.

J. Current Year Activities: Fiscal Year 2014

The Psychology Board has set the following goals for fiscal year 2014. These goals reflect some ongoing paramount goals and some new activities for the Board. Some of these goals are the direct result of new mandates set by the 83rd Texas Legislature.

- ☐ Resolve remaining complaints from calendar years 2009, 2011, 2012, and 2013 (1-2009, 3-2011, 6-2012, 45-2013) and resolve at least 75% of fiscal year 2014 complaints. (Older complaints are at SOAH.)
- ☐ Schedule at least four days for informal settlement conferences.
- ☐ Image enforcement files (about 250 files).
- ☐ Meet enforcement performance measure targets.
- ☐ Continue to work with vendor to ensure essential functions of shared database are fully functional.
- ☐ Hire new General Counsel.
- ☐ Hire new Investigator.
- ☐ Conduct a vignette writing workshop.
- ☐ Hold at least one Oral Consultants Workgroup meeting.
- ☐ Hold at least one Jurisprudence Exam Consultants meeting.
- ☐ Hold two Oral Exams.
- ☐ Image licensee professional application files (about 600 files).
- ☐ Image new licensee files at least monthly.
- ☐ Meet licensing performance measures.
- ☐ Develop and Implement PLUS Pilot Program
- ☐ Hold four Board meetings per year.
- ☐ Issue two newsletters online.
- ☐ Conduct Rule Review.
- ☐ Pass rules required by 83rd Legislature legislation.
- ☐ Provide legal research and support to AG for pending lawsuits.
- ☐ Provide legal research and support to Attorney General for pending lawsuits.

K. Benchmarks for Fiscal Year 2013

The Psychology Board had the following performance on benchmarks for fiscal year 2013.

	<u>Target</u>	<u>Actual</u>
<input type="checkbox"/> Percent of Licensees without Documented Violations:	99%	98.37%
<input type="checkbox"/> Percent of Documented Complaints Resolved in 6 Months:	50%	50%
<input type="checkbox"/> Percent of New and Renewed Licenses Issued via Internet:	80%	83%
<input type="checkbox"/> Percent of New Licenses as Compared to Existing Population	-	7.43%



GOAL 1

LICENSURE

Protect Public through Quality Program of Licensure

To protect the public by maintaining a quality program of examination and licensure to ensure the initial and continuing competency of psychologists, psychological associates and licensed specialists in school psychology.

Objective 1 – Ensure Standards Met

Ensure Practitioners Meet Standards for Licensure

Ensure that practitioners meet required competency standards for the practice of psychology through 2019.

Strategy 1 - Licensing

Operate Quality Program of Licensure

To operate a quality licensure program through an efficient and cost effective program of licensure, including education, experience and examination requirements, continuing education requirements and renewal requirements.

Outcome Measures

- 1) Percent of Licensees with No Recent Violations **(Key Measure)**
- 2) Percent of Licensees Who Renew Online **(Key Measure)**

Output Measures

- 1) Number of New Licenses Issued to Individuals **(Key Measure)**
- 2) Number of Licenses Renewed (Individuals) **(Key Measure)**
- 3) Number of Individuals Examined

Explanatory Measures

- 1) Total Number of Individuals Licensed

Strategy 2 – Texas.gov

Texas.gov (Estimated and Non-transferable)

Provide for the processing of occupational license, registration, or permit fees through Texas.gov. Estimated and non-transferable.

GOAL 2

ENFORCEMENT OF LAWS AND RULES

Protect the Public through Enforcement of Laws & Rules

Protect the public through enforcement of the laws and rules governing the practice of psychology in Texas and to ensure swift, fair and effective disciplinary action for violators, including re-education and/or rehabilitation of those violators.

Objective 1 – Ensure Compliance

Ensure All Practitioners Comply with Established Laws and Rules

Ensure that all practitioners comply with established law and rules through 2019.

Strategy 1 - Enforcement

Operate a Quality Investigation/Enforcement Program

Operate a quality investigations/enforcement program in response to complaints concerning psychological practice consistent with the due process laws of Texas, in a timely manner and with a focus during enforcement on rehabilitation of the psychological provider.

Outcome Measures

- 1) Percent of Complaints Resolved Resulting in Disciplinary Action
- 2) Percent of Documented Complaints Resolved Within Six Months (**Key Measure**)

Output Measures

- 1) Number of Complaints Resolved (**Key Measure**)

Efficiency Measures

- 1) Average Time for Complaint Resolution (**Key Measure**)

Explanatory Measures

- 1) Jurisdictional Complaints Received (**Key Measure**)

GOAL 3

INDIRECT ADMINISTRATION

Indirect Administration

Objective 1 – Indirect Administration

Indirect Administration

Strategy 1 – Indirect Administration - Licensing

Indirect Administration - Licensing

Strategy 2 – Indirect Administration - Enforcement

Indirect Administration - Enforcement

GOAL 4

HISTORICALLY UNDERUTILIZED BUSINESS GOAL

The agency will establish and carry out a policy of government purchases encouraging inclusion of Historically Underutilized Businesses (HUBs).

Objective 1

To make a good faith effort to increase government purchases in HUB categories awarded annually in each fiscal year.

Strategy 1

Develop and implement a plan for increasing the use of HUBs.

Outcome Measure

- (1) Percent of total dollar value of commodities contracts awarded to HUBs.

Output Measures

- (1) Total Amount HUB Purchases
- (2) Total HUB Vendors Used

The Texas State Board of Examiners of Psychologists is extremely proud of its ongoing insistence on reviewing every aspect of its rules, regulations, policies, procedures, and workflow processes to adhere to its mission to protect the safety of the public. The Board seeks innovative ways to accomplish its mission by on-going research and planning to use new technologies to provide timely, efficient, and convenient services to its customers.

The Board plans for the future by laying the groundwork today for programs which are responsive to the people of Texas and their need to have well-qualified professionals and quality psychological services.

1. Initiative Name: Name of the current or planned technology initiative.	
Imaging Backlog of Professional Files and Complaint Files	
2. Initiative Description: Brief description of the technology initiative.	
Image all professional files at the time of licensure, and all closed complaint files.	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Current Operations	Ongoing
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
All agency objectives. Goal 1, Objective 1 – To ensure that practitioners meet required competency standards for the practice of psychology. Goal 2, Objective 1 – To ensure that all practitioners comply with established law and rules.	

<p>5. Statewide Technology Priority(ies): Identify the statewide technology priority or priorities the technology initiative aligns with, if any.</p> <table border="0"> <tr> <td>• Security and Privacy</td> <td>• IT Workforce</td> </tr> <tr> <td>• Cloud Services</td> <td>• Virtualization</td> </tr> <tr> <td>• Legacy Applications</td> <td>• Data Management</td> </tr> <tr> <td>• Business Continuity</td> <td>• Mobility</td> </tr> <tr> <td>• Enterprise Planning and Collaboration</td> <td>• Network</td> </tr> </table>		• Security and Privacy	• IT Workforce	• Cloud Services	• Virtualization	• Legacy Applications	• Data Management	• Business Continuity	• Mobility	• Enterprise Planning and Collaboration	• Network
• Security and Privacy	• IT Workforce										
• Cloud Services	• Virtualization										
• Legacy Applications	• Data Management										
• Business Continuity	• Mobility										
• Enterprise Planning and Collaboration	• Network										
<p>Cloud Services, Legacy Applications, Security and Privacy, Data Management, Mobility</p>											
<p>6. Anticipated Benefit(s): Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:</p> <ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements • Compliance (required by State/Federal laws or regulations) 											
<p><u>Operational efficiencies:</u> Imaging takes minimal staff time and eliminates the need for excessive storage of paper files. Imaged files are easily accessed by staff for open record requests or other agency needs.</p> <p><u>Security Improvements:</u> Imaged files are stored securely in electronic format, accessed only by agency staff.</p> <p><u>Compliance:</u> Imaging many of the agency's files allows the agency more room to store other types of paper records in accordance with the agency record retention schedule.</p> <p><u>Foundation for Future Operational Improvements:</u> With the success of imaged licensing and complaint files, the agency hopes to move to a more paperless environment by using imaging technology for workflow purposes in the future.</p>											
<p>7. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.</p>											
<p>The agency has limited staff because of FTE cap and limited funding. Top priority is given by staff to image professional files as they are licensed and complaint files as they are closed. At times it may be difficult for staff to find the extra time needed to image these files. Additionally, the current HPC imaging system is outdated and storage is limited.</p>											

<p>1. Initiative Name: Name of the current or planned technology initiative.</p>
<p>Agency Website Redesign</p>
<p>2. Initiative Description: Brief description of the technology initiative.</p>
<p>Redesign of agency website to make it more informative and user friendly.</p>

3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Current Operations	Ongoing
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
<p>All agency objectives.</p> <p>Goal 1, Objective 1 – To ensure that practitioners meet required competency standards for the practice of psychology.</p> <p>Goal 2, Objective 1 – To ensure that all practitioners comply with established law and rules.</p>	
5. Statewide Technology Priority(ies): Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> • Security and Privacy • Cloud Services • Legacy Applications • Business Continuity • Enterprise Planning and Collaboration • IT Workforce • Virtualization • Data Management • Mobility • Network 	
Cloud Services, Legacy Applications, Security and Privacy, Data Management, Mobility	
6. Anticipated Benefit(s): Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:	
<ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements • Compliance (required by State/Federal laws or regulations) 	
<p><u>Operational efficiencies:</u> The current agency website is outdated and makes it difficult for staff to efficiently find information.</p> <p><u>Customer satisfaction:</u> The current agency website is outdated and makes it difficult for consumers and customers to efficiently find information.</p> <p><u>Security Improvements:</u> The redesign will be on a more secure user-friendly platform</p> <p><u>Compliance:</u> The redesign will meet all accessibility requirements.</p>	
7. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.	

The agency has no IT staff of its own. It must use IT staff support through shared personnel coordinated by the Health Professions Council. Currently the HPC has one FTE dedicated to the design, redesign, maintenance and updates for the websites of all 11 HPC agencies.

1. Initiative Name: Name of the current or planned technology initiative.	
Online Web-Based Jurisprudence Exam	
2. Initiative Description: Brief description of the technology initiative.	
Develop a web-based online jurisprudence examination for applicants.	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Current Operations	Ongoing
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
Goal 1, Objective 1 – To ensure that practitioners meet required competency standards for the practice of psychology.	
5. Statewide Technology Priority(ies): Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> • Security and Privacy • Cloud Services • Legacy Applications • Business Continuity • Enterprise Planning and Collaboration 	<ul style="list-style-type: none"> • IT Workforce • Virtualization • Data Management • Mobility • Network
Mobility, Cloud Services, Data Management	
6. Anticipated Benefit(s): Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:	
<ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements • Compliance (required by State/Federal laws or regulations) 	
<u>Operational efficiencies:</u> The current jurisprudence exams are mail-out exams and are required to be	

printed out in-house and mailed first class, certified, return receipt which is costly. Additionally, there is a security issue with mailing out a physical exam. An online web-based exam will allow for more flexibility for the agency to change exam questions, reduce paper costs associated with printing the exam, allow exam statistics to be more easily obtained, and will provide a more secure method of administration.

Customer satisfaction: The online exam will allow approved examinees to take the test at any time as long as they have access to a computer and the internet. Additionally, the examinees will be able to access their score immediately upon completion of the exam.

7. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.

None.

1. Initiative Name: Name of the current or planned technology initiative.	
Online Application Processing Through ASPPB (PLUS System)	
2. Initiative Description: Brief description of the technology initiative.	
The agency will begin allowing its applicants to use the online application process (PLUS System) provided through the Association of State and Provincial Psychology Boards (ASPPB) to further streamline the licensing process, making it more efficient for applicants and licensing staff.	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Current Operations	Ongoing
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
Goal 1, Objective 1 – To ensure that practitioners meet required competency standards for the practice of psychology.	
5. Statewide Technology Priority(ies): Identify the statewide technology priority or priorities the technology initiative aligns with, if any.	
<ul style="list-style-type: none"> • Security and Privacy • Cloud Services • Legacy Applications • Business Continuity • Enterprise Planning and Collaboration 	<ul style="list-style-type: none"> • IT Workforce • Virtualization • Data Management • Mobility • Network
Cloud Services, Mobility, Data Management, Security and Privacy	

6. Anticipated Benefit(s): Identify the benefits that are expected to be gained through the technology initiative. Types of benefits include:

- Operational efficiencies (time, cost, productivity)
- Citizen/customer satisfaction (service delivery quality, cycle time)
- Security improvements
- Foundation for future operational improvements
- Compliance (required by State/Federal laws or regulations)

Operational efficiencies: An online application process will allow for more standardization of application forms and more efficiency in processing applications for the agency.

Customer satisfaction: The online application process allows for a more effective and efficient flow of required paperwork and other documents that applicants must provide to the agency.

Security improvements: An online application process through a secure internet environment will further protect the applicants' personally identifiable information (SSN, date of birth, etc) that the agency must have on file to process these applications versus the current process of mailing in the paper application form.

7. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement the technology initiative.

The only barrier to this online application process is that the fee that ASPPB charges for this service may be cost-prohibitive to the applicants.

APPENDIX A



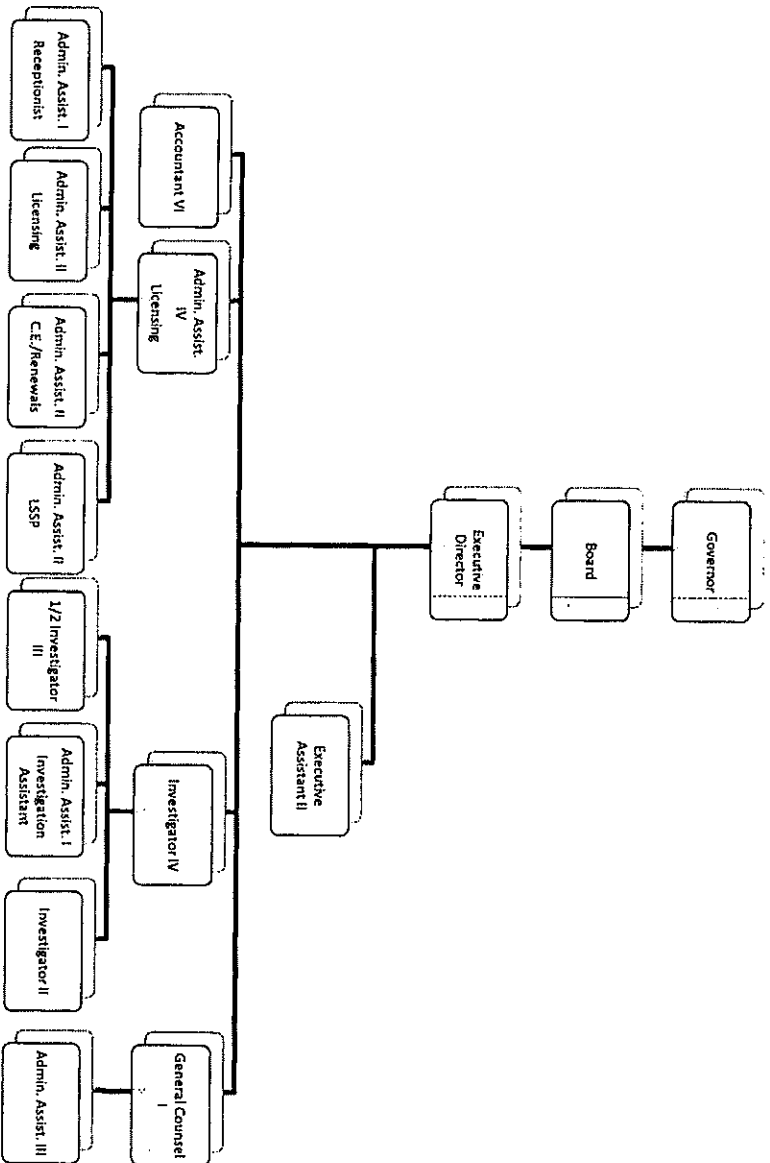
The Strategic Planning Committee is composed of the Executive Director, the Chief Financial Officer, the Deputy Executive Director, and the General Counsel of the Texas State Board of Examiners of Psychologists.

The Board staff finalized the draft strategic plan in May 2014. The draft was sent to the Board member for input and/or changes. The final draft of the strategic plan was prepared using this input and sent to the Board Chair for approval in June 2014. The approved strategic plan was submitted as required by the deadline of June 23, 2014.

A copy of the strategic plan, as submitted, will be provided to the Board at its August 14, 2014 meeting. A copy of the strategic plan will be provided to every staff member of the agency and will be posted on the Board's website.

APPENDIX B

Texas State Board of Examiners of Psychologists Organizational Chart



APPENDIX C

Strategic Plan 5-Year Projection of Outcome Measures

OUTCOME MEASURES	2015	2016	2017	2018	2019
<u>GOAL 1: LICENSURE</u>					
Percent of Licensees With No Recent Violations.	98%	98%	98%	98%	98%
Percent of Licensees Who Renew Online	85%	85%	85%	85%	85%
Percent of New Individual Licenses Issued Online	0%	0%	0%	0%	0%
<u>GOAL 2: ENFORCEMENT LAWS AND RULES</u>	15%	15%	15%	5%	15%
Percent of Complaints Resulting in Disciplinary Action.	45%	45%	45%	45%	45%
Recidivism Rate for Those Receiving Disciplinary Action	4.5	4.5	4.5	4.5	4.5
Percent of Documented Complaints Resolved within Six Months.	50%	50%	50%	50%	50%
<u>GOAL 3: HISTORICALLY UNDERUTILIZED BUSINESSES</u>					
Percent of total value of commodities contracts awarded to HUBs.	50%	50%	50%	50%	50%

APPENDIX D

LICENSING STRATEGY

OUTCOME MEASURE

(1) **Percent of Licensees with No Recent Violations**

Short Definition: The percent of the total number of licensed individuals at the end of the reporting period who have not incurred a violation within the current and preceding two years (three years total).

Purpose/Importance: Licensing individuals helps ensure that practitioners meet legal standards for professional education and practice which is a primary agency goal. This measure is important because it indicates how effectively the agency's activities deter violations of professional standards established by statute and rule.

Source/Collection of Data: This measure is calculated from reports generated from the agency's licensing/enforcement system by the Fiscal Manager which show the names of the persons who have received disciplinary action from the Board for the past three years. The total number of licensees is obtained from the system at the end of the reporting period by the Fiscal Manager.

Method of Calculation: The total number of individuals currently licensed by the agency who have *not* incurred a violation within the current and preceding two years divided by the total number of individuals currently licensed by the agency. The numerator for this measure is calculated by subtracting the total number of licensees with violations during the three-year period from the total number of licensees at the end of the reporting period. The denominator is the total number of licensees at the end of the reporting period. The result is multiplied by 100 to achieve a percentage.

Data Limitations: The agency has no control over the number of individuals who will incur violations in any given year. The agency has no control over the number of individuals who meet the requirements for licensure and or licensees who choose to renew their licenses each year.

Calculation Type: Non-cumulative.

New Measure: No

Desired Performance: Higher than target.

(2) **Percent of Licensees Who Renewal Online**

Short Definition: Percent of total number of licensed, registered, or certified individuals that renewed their license, registration or certification online during the reporting period.

Purpose/Importance: To track use of online license renewal technology by the licensee population.

Source/Collection of Data: This measure is calculated by the Fiscal Manger using a report which is generated from the agency's licensing system. This report gives the number of renewals that are issued during the reporting period, and includes a column indicating whether

they were renewed through the online renewal system or entered by staff in the office. The report is generated after the close of the reporting period.

Method of Calculation: This measure is calculated by querying the agency's licensing database to produce the report of the total number of renewals which have been issued during the reporting period. This report is then sorted by method of renewal (online versus staff entry). The total number of online renewals is then divided by the total number of renewals to achieve the percentage of online renewals.

Data Limitations: None.

Calculation Type: Non-cumulative.

New Measure: No

Desired Performance: Higher than target.

2) Percent of New Individual Licenses Issued Online

Short Definition: Percent of all new licenses, registrations, or certifications issued online to individuals during the reporting period.

Purpose/Importance: To track use of online license issuance technology by the licensee population.

Source/Collection of Data: N/A

Method of Calculation: N/A

Data Limitations: The Texas Online Authority has determined that it is not cost effective at this time to implement original applications online for our agency. This decision was based on the fact that our agency does not receive enough original applications per year to meet their threshold level for implementing an online system.

Calculation Type: Non-cumulative.

New Measure: No

Desired Performance: Higher than target.

OUTPUT MEASURES

(1) Number of New Licenses Issued to Individuals

Short Definition: The number of licenses issued to previously unlicensed individuals during the reporting period.

Purpose/Importance: A successful licensing structure must ensure that legal standards for professional education and practice are met prior to licensure. This measure is a primary workload indicator which is intended to show the number of unlicensed persons who were documented to have successfully met all licensure criteria established by statute and rule as verified by the agency during the reporting period.

Source/Collection of Data: This measure is calculated by the Fiscal manager using reports obtained from the agency's licensing system which list the number of individuals receiving new licenses by type of license during the reporting period. These reports are generated after the end of the reporting period. The system includes on the reports lists of only those persons who received licenses during the reporting period. The system calculates the totals in each report. The totals are then manually added.

Method of Calculation: This measure counts the total number of licenses issued to previously unlicensed individuals during the reporting period, regardless of when the application was originally received. Those individuals who had a license in the previous reporting period are not

counted. Only new licenses are counted. Licenses are counted as new for persons who were previously licensed, but whose license expired so that they were required to meet all criteria of a new applicant.

Data Limitations: The agency cannot predict how many individuals will apply to become licensed, meet the qualifications and pass the exam(s) in any given quarter. There are other uncontrollable variables such as the timing of the receipt of an application, the Board meeting dates, and the exam dates which also factor into the number of licenses that will actually be issued during a quarter.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

(2) Number of Licenses Renewed (Individuals)

Short Definition: The number of licensed individuals who held licenses previously and renewed their license during the current reporting period.

Purpose/Importance: Licensure renewal is intended to ensure that persons who want to continue to practice in their respective profession satisfy current legal standards established by statute and rule for professional education and practice. This measure is intended to show the number of licenses that were issued during the reporting period to individuals who currently held a valid license.

Source/Collection of Data: This measure is calculated by the Fiscal Manager using a report which is generated from the agency's licensing system. This report gives the number of renewals that are issued during the reporting period. The report is generated after the close of the reporting period.

Method of Calculation: This measure is calculated by querying the agency's licensing database to produce the report of the total number of renewals which have been issued during the reporting period.

Data Limitations: None.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

(3) Number of Individuals Examined

Short Definition: The number of individuals to whom examinations were administered in whole or in part during the reporting period.

Purpose/Importance: The measure shows the number of individuals examined which is a primary step in licensing the individual and represents a major cost element for the agency. Examination purchase, grading, and notification costs are directly related to this measure.

Source/Collection of Data: The Fiscal Manager receives exam statistic summaries from the Licensing Division Supervisor. The Supervisor obtains stats for the two written examinations administered during the reporting period from paper reports provided by the two grading entities: University of Texas and Professional Examination Service. Additionally, the Supervisor compiles the statistics manually for the Oral Examination, an in-house graded exam, which was administered during the reporting period. These reports are then forwarded to the Fiscal Manager.

Method of Calculation: Calculation of this measure includes all examinations administered to all individuals who sit for the Examination for Professional Practice in Psychology (national exam), the Texas Jurisprudence Examination, and the Texas Oral Examination. If one individual sits for two examination sessions, this will count as two. The Fiscal Manager adds together all statistics to arrive at one total of examinees who were examined during the reporting period.

Data Limitations: The agency has no control over the number of individuals who qualify to take the exams required for licensure. The agency examines all applicants who qualify to be examined.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

EFFICIENCY MEASURES

None

EXPLANATORY MEASURES

(1) Total Number of Individuals Licensed

Short Definition: Total number of individuals licensed at the end of the reporting period.

Purpose/Importance: The measure shows the total number of individual licenses currently issued which indicates the size of one of the agency's primary constituencies.

Source/Collection of Data: The Fiscal Manager generates a report from the licensing system which provides the total, unduplicated number of individuals who hold licenses from this agency on the date that the report is run after the end of the reporting period.

Method of Calculation: The total unduplicated number of individuals licensed that is stored in the licensing database by the agency at the end of the reporting period. An individual who holds more than one license is counted only once. Individuals on inactive status are not included in the calculation for this measure.

Data Limitations: This information cannot be recaptured at a later time because the database changes daily and does not maintain a beyond one-day history file of current licenses.

Calculation Type: Non-cumulative

New Measure: No

ENFORCEMENT STRATEGY

For the purpose of measuring performance in enforcement strategies, a complaint is defined as a request for agency intervention or mediation. Requests may be by telephone, in writing, or in person depending on agency rules and documented by agency staff upon receipt.

Outcome measures

(1) Percent of Complaints Resulting in Disciplinary Action

Short Definition: Percent of complaints which were resolved during the reporting period that resulted in disciplinary action.

Purpose/Importance: This measure is intended to show the extent to which the agency exercises its disciplinary authority in proportion to the number of complaints resolved. It is important that both the public and licensees have an expectation that the agency will work to ensure fair and

effective enforcement of the act and this measure seeks to indicate agency responsiveness to this expectation.

Source/Collection of Data: The Fiscal Manager generates reports from the licensing/enforcement system which list the total number of complaints resolved by type of resolution during the reporting period.

Method of Calculation: The total number of complaints resolved during the reporting period that resulted in disciplinary action (numerator) is divided by the total number of complaints resolved during the reporting period (denominator). The result should be multiplied by 100 to achieve a percentage. Disciplinary action includes agreed orders, reprimands, suspensions, probation, revocation, and administrative fines on which the Board has acted.

Data Limitations: The agency has no control over the content of the complaints filed against licensees. This measure does not take into account complaints where there have been no violations or when there are multiple complaints for the same offense. Additionally, for cases that are referred to SOAH, the Board cannot assign disciplinary action if the administrative law judge does not recommend disciplinary action, except in certain limited circumstances.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Higher than target.

(2) Recidivism Rate for Those Receiving Disciplinary Action

Short Definition: The number of repeat offenders at the end of the reporting period as a percentage of all offenders during the most recent three-year period.

Purpose/Importance: This measure is intended to show how effectively the agency enforces its regulatory requirements and prohibitions. It is important that the agency enforce its act and rules strictly enough to ensure consumers are protected from unsafe, incompetent and unethical practice by the registered or licensed professionals.

Source/Collection of Data: The Fiscal Manager uses previous performance report data to obtain the number of individuals receiving disciplinary actions during the current and preceding two fiscal years. The Fiscal Manager generates a report from the licensing/enforcement system that encompasses the current and preceding two fiscal years to list by name those individuals who have received disciplinary action. She then does a manual scan to see if any licensee has had more than one disciplinary action during this three year period.

Method of Calculation: The number of individuals against whom two or more disciplinary actions were taken by the Board within the current and preceding two fiscal years (numerator) is divided by the total number of individuals receiving disciplinary actions within the current and preceding two fiscal years (denominator). The result should be multiplied by 100 to achieve a percentage.

Data Limitations: None

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Lower than target.

(3) Percent of Documented Complaints Resolved within Six Months

Short Definition: The percent of complaints resolved during the reporting period, which were resolved within a six month period from the time they were initially received by the agency.

Purpose/Importance: The measure is intended to show the percentage of complaints which are resolved within a reasonable period of time. It is important to ensure the swift enforcement of the Psychologists' Licensing Act, which is an agency goal.

Source/Collection of Data: The Fiscal Manager obtains a report from the licensing/enforcement system which includes all the complaints resolved during the reporting period, the date they were received and the date they were resolved.

Method of Calculation: The report automatically calculates the number of days it took to resolve the complaint. The Fiscal Manager manually counts those complaints that were resolved in 180 days or less from this report. That number (numerator) is divided by the total number of complaints resolved during the reporting period (denominator). The result should be multiplied by 100 to achieve a percentage.

Data Limitations: The agency has less control over the time required to resolve cases that are referred to SOAH for resolution. Also, the agency has no control over the complexity of the complaints it receives, which significantly impacts the length of the investigations.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Higher than target.

Output Measure

(1) **Number of Complaints Resolved**

Short Definition: The total number of complaints resolved during the reporting period.

Purpose/Importance: The measure shows the workload associated with resolving complaints.

Source/Collection of Data: The Fiscal Manager obtains a report from the licensing/enforcement system which lists the complaints resolved by resolution type during the reporting period.

Method of Calculation: The report provides the number of complaints resolved. The number of complaints resolved includes determinations that a violation did not occur. A complaint that after preliminary investigation is determined to be non-jurisdictional is not a resolved complaint.

Data Limitations: The agency cannot control the type or complexity of the complaints it receives. The more complex complaints require more investigation time and therefore fewer complaints may be resolved during any given time period.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

Efficiency Measures

(1) **Average Time for Complaint Resolution**

Short Definition: The average length of time to resolve a complaint for all complaints resolved during the reporting period.

Purpose/Importance: The measure shows the agency's efficiency in resolving complaints.

Source/Collection of Data: The Fiscal Manager generates a report from the licensing/enforcement system which lists the complaints resolved during the reporting period, the dates they were received and the dates they were resolved.

Method of Calculation: This report automatically calculates the number of calendar days per complaint resolved that elapsed from receipt of a request for agency intervention to the date of

final disposition of the complaint by the Board, and then sums for all complaints resolved. This number (numerator) is divided by the number of complaints resolved during the reporting period (denominator). The calculation excludes complaints determined to be non-jurisdictional of the agency's statutory responsibilities.

Data Limitations: The agency cannot control the time to resolve those cases which it has to refer to SOAH for resolution. SOAH sets its own schedules and the schedules of the responding attorneys for the licensees must be accommodated as well. Also, the agency cannot control the type or complexity of the cases it receives. The more complex complaints require more investigation and therefore take longer to resolve.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Lower than target.

Explanatory Measure

(1) **Number of Jurisdictional Complaints Received**

Short Definition: The total number of complaints received during the reporting period that are within the agency's jurisdiction of statutory responsibility.

Purpose/Importance: The measure shows the number of jurisdictional complaints which helps determine agency workload.

Source/Collection of Data: The Fiscal Manager generates a report from the licensing/enforcement system which lists all jurisdictional complaints received during the time period.

Method of Calculation: The agency sums the total number of complaints received only relative to their jurisdiction. It also keeps track of the total number of complaints that are not in its jurisdiction but does not use that figure in its calculation.

Data Limitations: The agency cannot control the number of complaints nor the type of complaints that it receives.

Calculation Type: Cumulative

New Measure: No

APPENDIX E

Strategic Plan

WORKFORCE PLAN

Texas State Board of Examiners of Psychologists

May 2014

History:

The Texas State Board of Examiners of Psychologists was created by the Psychologists' Licensing Act passed by the Texas Legislature in 1969.

Mission:

The mission of the Texas State Board of Examiners of Psychologists is to protect the public by ensuring that psychological services are provided to the people of Texas by qualified and competent practitioners who adhere to established professional standards.

The Board accomplishes this mission through its regulation of the practice of psychology by:

- ❑ Establishing educational, experience, and examination requirements;
- ❑ Adopting professional standards for the practice of psychology;
- ❑ Investigating and enforcing compliance with the requirements of the Act, rules, and regulations of the Board; and
- ❑ Serving as a source of information to the public, the profession, and governmental entities.

Goals and Objectives:

Licensure:

Objective: Ensure that practitioners meet required competency standards for the practice of psychology through 2019

Strategy: To operate a quality licensure program through an efficient and cost effective program of licensure, including education, experience, and examination requirements, professional development requirements and renewal requirements.

Strategy: Provide for the processing of occupational license, registration, or permit fees through Texas.gov.

Enforcement and Laws and Rules:

Objective: Ensure that all practitioners comply with established law and rules through 2019.

Strategy: Operate a quality investigations/enforcement program in response to complaints concerning psychological practice consistent with the due process laws of Texas, in a timely manner and with a focus during enforcement on rehabilitation of the psychological provider.

Indirect Administration:

Objective: Indirect administration.

Strategy: Indirect administration licensing.

Strategy: Indirect administration enforcement.

Historically Underutilized Business:

Objective: To make a good faith effort to increase government purchases in HUB categories awarded annually in each fiscal year.

Strategy: Develop and implement a plan for increasing the use of HUBs.

Business Functions:

The Psychology Board is charged with regulating the practice of psychology in the State of Texas. The Board reviews applications for licensure in accordance with the Psychologists' Licensing Act and the Board rules and policies. The Board administers the Jurisprudence Examination and the Oral Examination and approves applicants to sit for the national psychology examination, the Examination for Professional Practice in Psychology. Four types of licensure are available: psychological associate, psychologist, provisionally licensed psychologist, and specialist in school psychology. The Board issues approximately 650 new licenses per year.

The Board investigates complaints and resolves them either by dismissal or disciplinary action. Disciplinary action ranging from reprimand to revocation is usually attained by agreed order. On average, the Board resolves approximately 250 complaints per year.

The Board is mandated to have a website and to produce an annual roster of licensees. The Board provides information about licensees to various segments of the public including insurance companies and health maintenance organizations, as well as individual consumers. The agency's website has become its primary means of conveying information to its licensees as well as to all other entities seeking information about the Board and its operations.

Anticipated Changes to Mission, Strategies, and Goals for the Next Five Years:

The Psychology Board anticipates no changes to its mission, strategies, and goals for the next five years. However, the agency does expect to undergo some changes in the next five years that will affect its workforce.

Factors Expected to Result in Changes to the Agency:

The following factors are expected to result in some changes at the agency in the next few years.

Key Economic, Environmental, and Other Factors:

The key factors facing the Psychology Board are:

- ❑ Potential for staff turnover due to low staff salaries;
- ❑ In recent years the rare across-the-board state salary increases do not keep up with the cost of living increases;
- ❑ The Legislature and other state entities, as well as the federal government mandating additional duties for the agency;
- ❑ The need for more mental health practitioners because of the increasing population of Texas;
- ❑ The Board's dedication to timely and efficient services and its willingness to continually change processes to achieve this goal;
- ❑ Information technology increasingly used by the agency and other entities with which the agency interfaces;
- ❑ The economic forecast for the state predicts more persons retiring, and an economy that is slowed but still better than that of the nation;
- ❑ Customers demanding more timely services and greater access to information;
- ❑ Cutback in federal funding for various programs resulting in the need for the state to devote more state funding to high priority items like transportation, criminal justice, social services, and especially Medicaid and Medicare;
- ❑ Static funding for state agencies not identified as top priorities for state funding;
- ❑ The Board's desire to take action to improve its business continuity preparations when faced with a disaster;
- ❑ Expanding the Board's dedication to protecting the public by obtaining FBI fingerprint criminal record checks on all licensees.

Organization and Structure of Board:

The Psychology Board's 14 FTEs are divided into the Licensing, Enforcement, Legal and Administrative Divisions. The agency regained 1 FTE in the 83rd Legislative Session that had been lost during the 82nd Legislature due to budget cutbacks.

Current Workforce Analysis

Classified, Exempt, and Temporary Workers

The Psychology Board has a total of 12 classified employees (1 employee is half-time) and one exempt employee as of May 2014. The agency is currently in the process of filling its only vacant position. The agency has no temporary employees.

Salary Budget

Fiscal Year 2014	\$624,778	FTE Salaries	0 Temporary
Fiscal Year 2015	\$624,778	FTE Salaries	0 Temporary

Location

All employees work in the agency's one location in Austin: William P. Hobby Building.

Retirement

Two persons retired from the agency in the last two years. Additionally, one staff person is currently eligible for retirement and one staff person is a return to work retiree.

Diversity

The workforce diversity for the agency is:

Gender: 4 men, 9 women

Race: 10 Caucasian Americans, 2 Hispanic Americans, 1 African American

Age:

Under 30 = 0

30-39 = 4

40-49 = 4

50-59 = 3

60+ = 2

Agency tenure:

Less than 1 year = 3

1 year or more but less than 3 years = 2

3 years or more but less than 5 years = 0

5 years or more but less than 10 years = 2

10 years or more but less than 15 years = 2

15 years or more but less than 20 years = 1

20 years or more = 3

Projected Attrition Rate

It is expected that three staff persons will retire within the next three years, and that the return to work retiree will also leave the agency. Additionally, other staff may leave for higher paying positions.

Workforce Trend Analysis

Turnover

FY 2011 14.29%

FY 2012 23.08%

FY 2013 23.08%

FY 2014 28.57% (to date)

During the last three years the agency had a higher turnover rate than the state average. Any turnover at the agency is a setback to performance because of the time required to hire, the training that is required for new personnel and the time required of experienced staff in providing that training. Also, because the agency is small, all staff perform a variety of functions, each with many required steps.

Skill Assessment of Employees

All agency staff must have customer service skills since all staff interface with the public by phone, written correspondence, fax, and some email.

1. Executive Director

College degree in English, social sciences, or other appropriate. Communication and organization skills. Develops required agency reports, form letters, forms. Multi-tasking ability. Ability to supervise diverse functions of agency. Supervision experience. Extensive knowledge of state government, including legislative, accounting, human resources, administrative hearings, etc. Knowledge of health licensing activities and responsibilities.

2. Deputy Executive Director

College degree in English, social sciences, or other appropriate. Communication and organization skills. Drafts original correspondence regarding licensing, ethical practice and administrative matters. Responds orally to inquiries. Word processing skills. Maintains extensive paper and electronic administrative files. Multi-tasking ability.

3. Chief Financial Officer

College degree in accounting, knowledge of all state automated functions and accounting requirements, including payroll and purchasing. Knowledge and experience in financial reporting including AFR and LAR. This person also serves as the agency information resource manager. Knowledge of agency licensing and enforcement database and cash processing functions. Interface with contracted vendor and programmers for the shared licensing/enforcement system.

4. Investigator IV/Enforcement Division Manager

College degree in English, law, etc. Ability to read legal documents including court transcripts, write concise reports based on investigation of documents and personal interviews, and make recommendations for complaint resolution based on evidence collected. Communication and interviewing skills. Ability to supervise three staff. Ability to coordinate with General Counsel the resolution of complaints.

5. Admin Asst III/Renewal Coordinator

High school degree. Ability to create and maintain extensive paper and electronic files. Ability to review renewal and professional development forms in compliance with rules and policies. Organizational skills. Data entry and electronic cash processing.

6. Investigator III/Compliance Officer (Part-time)

College degree in English, law, etc. Ability to read legal documents, write concise reports based on investigation of agency records and other documents, and make recommendations for complaint resolution based on evidence collected. Communication skills. This person serves as the compliance officer for licensees fulfilling agreed orders.

7. Admin Asst III/Enforcement Assistant

High school degree. Ability to generate form letters, maintain detailed calendars of time sensitive activities and extensive paper files, enter data and information on enforcement database, and compile notebooks of complaint materials and reports for meetings. Ability to provide information by phone.

8. General Counsel I

Licensed attorney in Texas. Knowledge of Texas Public Information Act, Texas Open Meetings Act, Administrative Code, and other state laws. Experience with health licensing agencies enforcement and licensing activities. Communication skills. Ability to supervise an assistant. Ability to coordinate complaint resolution activities with Enforcement Manager.

9. Admin Asst III/Legal Assistant/Open Records Clerk/Accounting Assistant

High school education. Ability to perform detailed record keeping electronically and in paper format. Ability to summarize board and committee meetings. Knowledge of desktop publishing. Ability to respond to public information requests. Ability to submit rules electronically in accordance with Texas Register requirements. Communication skills. This person also serves as the accounting assistant. Ability to perform state agency accounting procedures for leave accounting, payroll, and purchasing. Ability to use 10-key by touch. Experience in office setting. Ability to perform daily cash processing activities. Ability to provide basic information by phone and to route calls.

10. Admin Asst V/Licensing Division Manager

Two years of college in business, social sciences, or other appropriate field. Communication and organization skills. Data entry and electronic cash processing. Ability to create and maintain paper files. Ability to review and approve applications in compliance with rules and policies. Ability to organize administration of oral examination. Ability to supervise four staff.

11. Admin Asst III/ Licensing Coordinator of PLPs and LPAs.

Two years of college in business, social sciences, or other appropriate field. Communication and organization skills. Data entry and electronic cash processing. Ability to create and maintain extensive paper and electronic files. Ability to review and approve applications in compliance with rules and policies. Ability to assist in coordination of oral examination.

12. Admin Asst III/ Licensing Coordinator of LSSPs/ Renewal Coordinator

Two years of college in business, social sciences, or other appropriate field. Communication and organization skills. Data entry and electronic cash processing. Ability to create and maintain extensive paper and electronic files. Ability to review and approve applications in compliance with rules and policies. Ability to assist in administration of jurisprudence examination including mail out and grading. Ability to process renewals for LSSPs.

13. Administrative Assistant I/Receptionist

High school education. Ability to open and sort daily mail and receipt of fees. Ability to provide basic information by phone and to route calls. Ability to use copier and FAX. Ability to maintain application requests. Limited data entry and information search on database. Ability to mail out licenses and packets of information.

14. Investigator II

College degree in English, law, etc. Ability to read legal documents including court transcripts, write concise reports based on investigation of documents and personal interviews, and make recommendations for complaint resolution based on evidence collected. Communication and interviewing skills.

Organizational Chart

(Attached)

Future Workforce Skills

- Future skills for agency staff will include increased use of technology and interface with technology to provide services.
- All staff need ongoing training in computer security and instruction on how to avoid computer viruses.
- Staff need on-going training in written communication in order to correspond through e-mail, rather than form letters.
- Customer service skills will continue to be a high priority for all staff.
- All staff need periodic training in risk management, including business continuity and disaster recovery.
- All staff need periodic wellness training and training in emergency resuscitation.
- All staff need periodic training in maintaining the confidentiality of protected health information found within the agency's records.



There will be changes to the Psychology Board's workforce functions in the next few years. Generally, these changes will be caused by the following factors.

- A. The trend of the Legislature and other entities, as well as the federal government to place new mandates on the agency which increases the workload on staff.
- B. The current and projected need for more mental health practitioners, exponentially increased by the projected increase of the total population.
- C. The Board's dedication to timely and efficient services results in frequent changes to Board rules and policies.
- D. Online services, including online renewal and minimum data set information about licensees, as well as online licensing examinations, resulting in more diverse staff duties and increased use of technology to deliver services.
- E. Turnover of staff caused by low staff salaries.

A. Increasing Mandates from the Legislature and Other Entities, as well as the Federal Government, Increase Staff Workload and the Complexity of Staff Duties

New requirements from the Legislature, the Governor's Office, the federal government, and from other state agencies have increased the number of reports, surveys, and records that the Board is required to complete and/or maintain. Also, these mandates frequently require more staff training and they increase the workload on the staff. Staff have less time to meet pre-

existing goals and strategies and such goals and strategies may become more complex due to such mandates.

The 82nd Legislature, through H.B. 300, required all governmental entities to begin training all staff as required by Tex. Health & Safety Code Ann. §181.101. This training pertains to the state and federal law governing protected health information as it relates to the covered entity's particular course of business and each employee's scope of employment. House Bill 300 also required those same entities to report disciplinary actions to the Texas Attorney General's HB 300 (Texas Medical Records Privacy Act) reporting portal. The Board has implemented the training as required, and the agency's Public Information Officer has established an account with the Attorney General's reporting portal.

As a state health regulatory agency the Board is mandated by federal legislation to report disciplinary actions against its licensees to the National Practitioner Databank. Although the Board was unable to comply with this unfunded federal mandate for many years because of insufficient resources and personnel, the Board has recently begun reporting as required by federal law. Although this reporting takes up valuable staff time and prevents staff from focusing solely on their regulatory duties, as of June 2014, the Board is current on all of its reporting requirements.

Additional Staff Responsibilities Caused by New, Expanded or Revised Reports and Surveys

The agency now has to submit a fraud report, a risk management report, and open record reports, to name but a few. It regularly complies with surveys for classification audits. In the last biennium, it completed extensive surveys on the agency's authority and procedures to obtain criminal history records and justifications for the exempt salary. It also completes frequent surveys and reports for the Department of Information Resources. Generally, the number of ad hoc reports has increased from many sources.

Also, many existing reports have been expanded to obtain even more detailed information or the format of the reports has been changed requiring previous information to be reported differently.

More Staff Time Required to meet Mandate and DPS Reporting Changes

By a change in the law, the 79th Legislature mandated the Board to obtain quarterly criminal history records on all of its licensees from the Texas Department of Public Safety's (DPS) criminal history record database. This significant new responsibility for the agency resulted in the necessity of reviewing hundreds of professional files to determine if prior criminal records have been reported to the Board by the licensees. Unreported criminal records of licensees result in the opening of complaints against them. The Board through its investigation may take disciplinary action against the licensee not only for failure to report the criminal action but also for the criminal action if it directly affects the practice of psychology.

This new responsibility resulted in an increased number of complaints to be resolved beginning in fiscal years 2007 and continuing to date.

In early fiscal year 2012 it was discovered that DPS had changed its format for issuing quarterly reviews of licensees for regulatory agencies. While the new format would be useful to law enforcement agencies in seeking criminal history records on individuals, the new format gave such extensive details per criminal history record that the report became unwieldy for regulatory agency purposes seeking criminal histories on large numbers of current licensees. These reports take enormous amounts of staff time to review, compared to the previous abbreviated criminal history reports. Therefore, the agency no longer requests quarterly reviews of its licensees but instead relies on the DPS/FBI rap back program to determine if a licensee has a new criminal history record since becoming licensed with the agency. However, the agency will implement a new program beginning in September 2014 which will require each licensee to get fingerprinted as a condition of renewal if they were licensed prior to the agency requiring fingerprint checks to with initial applications. The agency received an Investigator position in the 83rd Legislative session and this person will be working on criminal history records and complaints arising from those individuals.

New Training Required

Annual training is now required for state purchasers and information resource managers. Additionally, pursuant to Tex. S.B. 1681, 83rd Leg., R.S. (2013), Board members must now undergo contract management training, and all new Board members are required to have training in open records and open meetings regardless of any previous training they may have had on these topics.

The 80th Legislature passed legislation to require that state agencies have specific ethics guidelines which all employees are required to adhere to.

Increasingly Complex Accounting Duties

The Accountant's duties have increased exponentially in recent years because of the many "hats" that she has to wear for the agency and the mandated annual training that is required for these different responsibilities. The Psychology Board's one Accountant serves as human resource coordinator, purchaser, information resource manager, as well as the fiscal manager for the agency. Also, accounting functions for the agency have become more complex as more reports are required to be submitted online using different types of software, such as for purchasing and performance measures.

Additionally, in order to conserve Board funds and to make up for shortfalls of appropriated receipts (part of the Board's base funding) in recent years the agency established an interagency contract with the Texas Funeral Service Commission to provide that agency with certain accounting services. This allowed that agency to reduce its FTEs by one.

B. Need for More Psychologists as Texas Population Increases

The demand and need for additional psychologists continues, and the February 2014 report entitled *The Mental Health Workforce Shortage in Texas* published by the Texas Department of State Health Services indicates that there is a shortage of psychologists in the state.

For a more detailed description of the factors driving the increased demand for more psychologists in the state, please refer to the *Board's External/Internal Assessment, Subsection D. Service Population Demographics*.

This demand and projected need for more mental health practitioners means that the number of licenses issued annually by this agency should continue at its present levels or increase for the next five years. Current staffing numbers in licensing and enforcement must be at least maintained in order to continue to meet basic Board goals and strategies.

C. Frequent Updates to Rules, Policies, and Procedures

The Psychology Board is committed to providing timely services to customers and therefore continually reviews and updates its rules, policies, and procedures to eliminate unnecessary requirements for licensure and unneeded steps in the investigation and resolution of complaints. By such changes, the Board is also requiring its staff to become more efficient in its duties.

Licensing Changes

While the Board had previously made headway in streamlining licensing processes for individuals licensed in other states, act changes required by the Board's Sunset legislation, HB 1015, passed by the 79th Legislature, resulted in even more streamlining. For this type of applicant, there is less documentation of supervised experience required. Also, certain applicants with national professional organization credentials are deemed to have met selected licensing requirements.

The Board has continued this trend with more recent rule changes. Following passage of Tex. S.B. 162, 83rd Leg., R.S. (2013), the Board amended its rules to further streamline the licensing procedures for applicants with military experience, as well as spouses of active duty service members. Additionally, the Board has proposed an amendment to its rules reducing the application fee for applicants with military experience to further supplement its efforts to comply with S.B. 162.

Enforcement Changes

The agency in its rule reviews has revised many rules to clarify intent and assist the Board in obtaining disciplinary action against licensees who violate the rules. Moreover, the agency continues to review its rules and makes rule changes in the intervening years between formal rule reviews. The Board recently made changes in its rules to further define forensic psychological services, since the Board receives many complaints involving such services. Additionally, the Board is currently undertaking an extensive review of its rules related to supervision with the assistance of an ad hoc advisory committee made up of stakeholders pursuant to Tex. Gov't Code Ann. §2001.031.

D. Increased use of Online Services and Increased Use of Technology.

Online Renewal

The Board is one of many agencies that provide their licensees the opportunity for online annual renewal of their licenses. For several years now, the online renewal option has provided

enhanced convenience for the licensees and has saved staff time in processing renewals. Presently, at least 85% of the agency's renewals occur online, with that number expected to increase in the future.

Agency Exempted from Mandated Online Applications

In the past, the Department of Information Resources and the Texas Online Authority determined that the agency did not meet the minimum threshold of new licenses issued per year to make online applications cost effective. However, the Board has since placed all of its applications for licensure and supporting materials online, and launched a pilot program with the Association of State and Provincial Psychology Boards (ASPPB) whereby applicants may apply for licensure using ASPPB's PLUS system. The PLUS system is a secure online application system designed with mobility between licensing jurisdictions in mind. The PLUS system is currently in use in several states and provinces across the U.S. and Canada.

While the use of an online application system is certainly beneficial to applicants applying in various jurisdictions, it has required an extensive period of review and revision to the Board's application materials, and extensive staff training to become familiar with the new design and layout of those materials. It has also required staff to undergo training to learn how to use the PLUS system. The launch of this new online application process has been accomplished while also maintaining the current paper based application process system.

Increased Use of Technology by Licensing Staff

Transformation of paper renewals to online renewal requires licensing staff to use their computers more frequently and in different ways. However, the use of computers is already an integral part of licensing activities since the agency has a licensing database with cash processing capabilities.

Another factor contributing to the increased usage of computers by licensing staff is the agency's imaging system shared with members of the Health Professions Council. Licensing staff image their documents and retrieve them electronically. The agency has its own computer and scanner for exclusive imaging use, thereby significantly facilitating imaging of agency documents.

All staff require on-going training in computer security, ways in which to avoid computer viruses, and how to prevent hacking into agency computers.

Writing skills for licensing staff have not been an issue to date since the majority of written correspondence is via form letters. However, as email becomes a more frequent means of communication, the ability to write concisely and clearly will become an important skill for licensing staff.

E. Potential for Staff Turnover Caused by Low Salaries

For fiscal year 2011, the State Auditor's (SAO) Legislative Workforce Summary stated that the average salary at this agency was \$7,449 below that of the average salary at other Article VIII regulatory agencies. That same report showed that the salary disparity had grown to \$8,598 for fiscal year 2012.

If this small state agency cannot match the salary levels offered at other regulatory agencies, it is highly likely that our seasoned staff will seek positions at other regulatory agencies, thereby resulting in impediments in funding and performance for the Psychology Board. Because of the agency's low staff salaries, some staff must have part-time jobs in addition to their state employment. These are the staff who have the greatest propensity and incentive for seeking higher paying state positions. The agency lost one employee in fiscal year 2010 who complained of a low salary after 17 years of tenure with this agency. In fiscal year 2011 the Board lost yet another employee who complained that she was not paid enough. The agency heartily agrees with these complaints and anticipates that the potential for turnover will continue in this biennium because of low staff salaries.

It is important to note that with the cutback of two of the agency's original 14 staff positions which occurred in 2005, each staff person had to absorb more duties with no salary increase. This makes replacement of any one staff person even more difficult, given the wide variety of skills that are required for each position.

The agency was granted an additional 1.5 FTE positions by the 81st Legislature to help with the workload, but because of mandated budget cutbacks in the 2010-2011 biennium appropriations, one FTE position could not be hired and was eliminated for the 2012-2013 biennium. However, in the 83rd Legislature the agency again received a FTE Investigator position which it has maintained.

The Board's new General Counsel could only be hired at a salary level that does not appropriately relate to the high level of expertise and dedication that is required for the heavy workload of this position as the agency's sole attorney.

The Executive Director's salary for this agency continues to be below the minimum rate for an entry level person for this position. According to the 2008 SAO Report No. 08-708, the recommended entry level salary for the Executive Director position at this agency is \$80,500, while the 2012 report by the SAO on executive compensation found that the salary for the Board's Executive Director is well below the market average of \$95,985. Despite minimal increases in the past 10 years, the salary level remains at \$3,700 below the recommended "entry level salary" for this position.

The Board believes that retaining a qualified Executive Director is invaluable in maintaining a high level of performance at the agency and that continuity of leadership is especially important to an agency in difficult times such as the state and nation are currently facing.

Workforce Supply and Demand Analysis

A comparison of the Psychology Board's workforce supply to the agency's workforce demand reveals that there are some gaps that need to be further addressed.

- Additional Skills for Licensing Staff Needed:

Licensing staff positions already require computer literacy and data-entry skills, however, it is anticipated that licensing staff will have to acquire writing skills in order to communicate frequently by email. Increased use of email could become a necessity because of increasing online services, rather than staff relying on basic form letters and information provided by phone. Requiring such a new skill should be compensated with increased salaries, but the agency has no discretionary appropriations for this purpose.

- Administrative/Fiscal Division: There are enough staff in this division for the next five years.
- Staff Turnover Ongoing Concern: The agency's ability to continue to implement new changes and new mandates depends heavily on its retaining its trained, experienced staff. Relatively low staff salaries continue to make possible turnover a concern to the agency.

The reductions in health care benefits for state employees in the past biennium reduced the attractiveness of state jobs to potential applicants for state positions. Thus, when current staff leave for higher pay at other agencies or to the private sector, the agency will have more difficulty in securing replacement staff.

Psychology Board Workforce Gap Strategy

The Psychology Board had its historic 14 FTEs cut in fiscal year 2005 to 12 FTEs due to the 12.5% budget cutback by the 79th Legislature. Since that time, in order to meet the resulting gap between the demands and the supply, as identified in this work plan, the agency developed innovative strategies.

This gap would have been reduced by the addition of the 2 FTEs to the agency by intervening legislative sessions, but as noted, one FTE Investigator position was eliminated by the 82nd Legislature, again leaving the agency with a gap in its workforce necessary to accomplish its mission and goals of protecting the public. However, following the 83rd Legislature, the agency once again received an FTE Investigator position which it has maintained.

Gap Strategy: Consolidate Staff, Internally and Externally

After the elimination of two staff positions in fiscal year 2005, the remaining 12 staff had to absorb the duties of the former two positions. This was done without compensatory pay increases for the affected staff.

Additionally, the Board entered into an interagency contract with the Texas Funeral Service Commission for accounting services, thereby allowing the Commission to reduce its number of FTEs and to conserve funds. This arrangement was possible by the transfer of some of the Accountant's duties to other staff at both agencies.

Such changes have required all agency staff to learn new duties and to perform all duties more efficiently.

Gap Strategy: Succession Planning

Staff Position Books

Positions at the agency have training manuals which include materials pertinent to each position including policies and procedures, as well as form letters, checklists, etc. Some positions have such complex duties that other procedure manuals serve as the primary position books. These manuals are invaluable in training new staff persons. They are updated and added to as procedures in various areas change or are enhanced.

Documentation of Processes

The Board has various policy and procedure manuals. Such written documentation provides standardization of agency functions, assists in cross-training staff, and provides training for new staff. These manuals are continually updated and revised as rules change, new legislative mandates occur, or the agency determines more efficient ways to perform its responsibilities.

Extensive Files

Board administrators maintain filing systems that allow for training and transition of duties to new staff as they occur. This is true for professional licensing and enforcement complaint files as well as for administrative, fiscal, and personnel files.

Moreover, the agency maintains electronic files for each position, which assist in the training and transition of duties to new staff. Generally, agency policy is to retain record copies with electronic file paths so that documents can be easily located in electronic files, but in some instances only the electronic copies are maintained to reduce storage needs.

Cross Training of Staff

As possible, staff are provided cross training for other positions within the agency. This is difficult to achieve because of the intricacies of each position and the resulting amount of time required to cross train for another position. Additionally, staff do not receive any kind of increased salary for cross training in other positions.

Manager Training

The Executive Director works closely with the managers of the agency and the Deputy Executive Director to ensure that the agency could continue to function for the length of time required to hire a new Executive Director when there is turnover in that position. Generally, the Deputy Executive Director serves as the head of the agency in the absence of the Executive Director.

Staff Involvement in Policy Development

Opinions and input are sought from key staff persons before changes are made to rules, policies, and procedures. This allows the agency to make full use of the expertise of staff and facilitates both development and implementation of the changes by investing the staff in the success of the changes.

Gap Strategy: Employee Development

Staff Training

In anticipation of increased use of e-mail by staff, the agency hopes to assist all staff in becoming better writers by sending them to various opportunities. However, the shortage of staff makes it difficult to allow staff persons to be absent from their position for such training.

As possible, staff are provided with training on computer security and how to avoid computer viruses and to prevent hacking into agency computers. This in-house training is provided by the shared information technology staff of the Health Professions Council (HPC).

Provided that there is no additional cost to the agency and there is no adverse affect on performance, staff are encouraged to learn other aspects of the agency and other skills that would expand or enhance their job-related abilities.

Online training for staff is also available in the areas of sexual harassment, ethics, and open records/open meetings. Additionally, some staff are able to participate in staff training through webinars as coordinated by the HPC for employees of its member agencies.

Gap Strategy: Changes in Organizational Structure

Information Resources

While the HPC consolidated information resources assistance, e.g. website and network maintenance, has assisted the agency, the remainder of on-site information technology for the agency is still provided by the agency's one Accountant who serves as the agency's Information Resources Manager. This same employee serves as the agency's central liaison to the contracted vendor for the agency's shared database. She upholds all of these duties at the same time that her fiscal duties are expanding as state accounting becomes more complex and demanding.

Fiscal Resources

As previously mentioned, the Psychology Board's Accountant also serves as the Accountant for the Texas Funeral Service Commission.

Enforcement and Licensing:

In previous legislative sessions, responding to cutbacks in FTEs, the agency converted one licensing position to a half time Investigator and half time licensing position. This meant that the agency reduced its Investigator position by half. This shortage of personnel was somewhat alleviated by the addition of a half time Investigator position approved by the 80th Legislature and a half time Administrative Assistant approved by the 81st Legislature for this agency. However, as previously noted, the Investigator position added by the 81st Legislature was cut by the 82nd Legislature, again leaving the agency with a shortage of enforcement personnel. However, in the 83rd Legislature the agency again received a FTE Investigator position which it has maintained and has allowed the agency to convert the half time investigator/half time licensing person back to full time licensing.

Gap Strategy: Retention of Staff

The agency increases its ability to retain qualified staff through the following agency policies that are highly regarded by the staff.

Empowering of Staff

The Psychology Board empowers its staff in both licensing and enforcement activities. Besides such benefits as improving performance measures, providing more timely services to its customers, and conserving staff resources, empowering staff also promotes staff satisfaction and invests them in seeking quality in the products that the agency provides.

For example, the General Counsel has been empowered to offer agreed orders to first time offenders when certain conditions are met without holding an informal settlement conference; the Deputy Executive Director issues temporary licenses to out-of-state licensed psychologists who request to practice in the state for a period of less than 30 days per year; the Enforcement Manager is permitted to dismiss complaints against licensees who fail to submit required professional development hours provided that they pay a penalty fee; and the Executive Director meets with the managerial staff on a quarterly basis to seek input on agency operations, as well as any ideas for improving those operations.

Lastly, because of the changes in business processes necessitated following the implementation of the shared database system, key licensing staff now approve licensure for applicants in adherence to specific rules, policies and procedures. Only applicants that have some unique problems or who must be denied licensure must be reviewed and approved by the Executive Director or the Applications Committee of the Board. Also, applicants with criminal histories are reviewed by the General Counsel.

Flextime

The Psychology Board provides flextime for some positions. However, at small state agencies flextime is inherently limited because the office must remain open and provide services from 8 to 5 weekdays. Therefore, not all staff positions can have the option of flextime. Staff are informed of the availability of flextime before they are hired.

Additionally, staff who must have second jobs are given some leeway in their work hours to accommodate their second jobs when possible. Also, in certain limited circumstances, key staff are allowed to complete work assignments from home.

Promotion from Within

When a vacancy occurs in the agency, qualified staff are encouraged to apply for the position. Such upward mobility of staff provides added impetus to entry level staff to perform their duties to the best of their abilities.

Gap Strategy: Conservation of Resources

Enhanced Use of Board Website

No single change has allowed the agency to conserve resources more than the transformation of several agency paper publications to online versions on the agency's website. These changes

include the addition of the online public search feature of the new licensing database and the biannual newsletter.

The agency's website also has important links for licensees to online annual renewal services and all applications for licensure are downloadable at no cost from the agency's website.

Email Newsletter

The new shared database allows the agency to store email addresses of licensees through an option in the online renewal system. For those licensees who choose to provide their emails to the agency in this manner, the agency will begin submitting to them by email the agency's biannual newsletter. This newsletter will also continue to be included on the agency website.

Increased Use of Technology

The Psychology Board has been able to maintain up-to-date computer equipment and ancillary office machines, thereby best utilizing its limited staff. This is due to the fact that in the 2014-2015 biennium, the agency received additional funding from the Legislature for the replacement of computer equipment in order to get the agency back on track with its computer replacement schedule.

Recruitment

The agency will continue to adhere to its Affirmative Action Plan in posting job openings with minority organizations and institutions. Additionally, the agency posts any job vacancy notices with entities that do not charge for such posting, such as universities and professional organizations.

Gap Strategy: Ease of Access to Files

The agency has made headway in improving access to licensing and enforcement files by having an aggressive program to image these files as they occur, as well as imaging older files that have previously not been microfiched. While this requires additional staff time initially, eventually all past files will be imaged and therefore be much easier to access as they are needed with a resulting savings in staff time, as well as conserving the agency's limited storage space.

Gap Strategy: Legislative Appropriation Request

The agency anticipates that it will request additional funding for the 2014-2015 biennium for the following items: 1) salary increases for agency staff, including the Executive Director, 2) funding to purchase a replacement high-speed scanner, 3) funding for staff training, 4) funding for agency's pro-rata share of costs to upgrade the shared imaging system, 5) additional funding for the agency's pro-rata share of any increased Health Professions Council funding, including any funding necessary to cover increased shared database maintenance costs 6) additional funding for increases in shared IT staff salaries, and 7) additional funding to cover the agency's pro-rata share of the ITSS contract amount, in the event the Dental Board withdraws from the ITSS contract.

The agency is devoted to protecting the public through its services and to serving an increasing licensing population that in turn places greater demands on the agency. With additional funding for these purposes, the agency will be able to adequately perform its mandated duties.